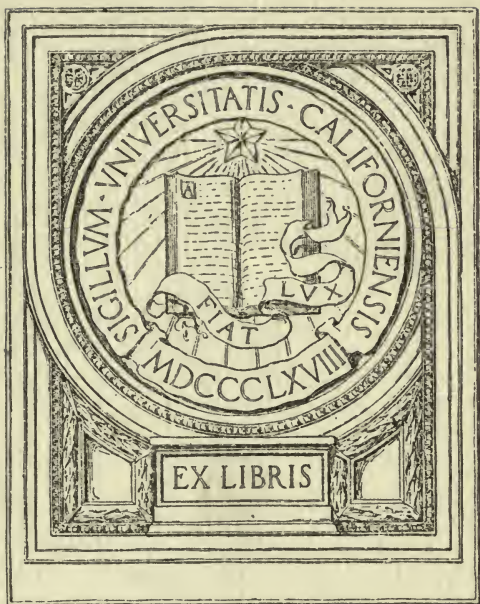


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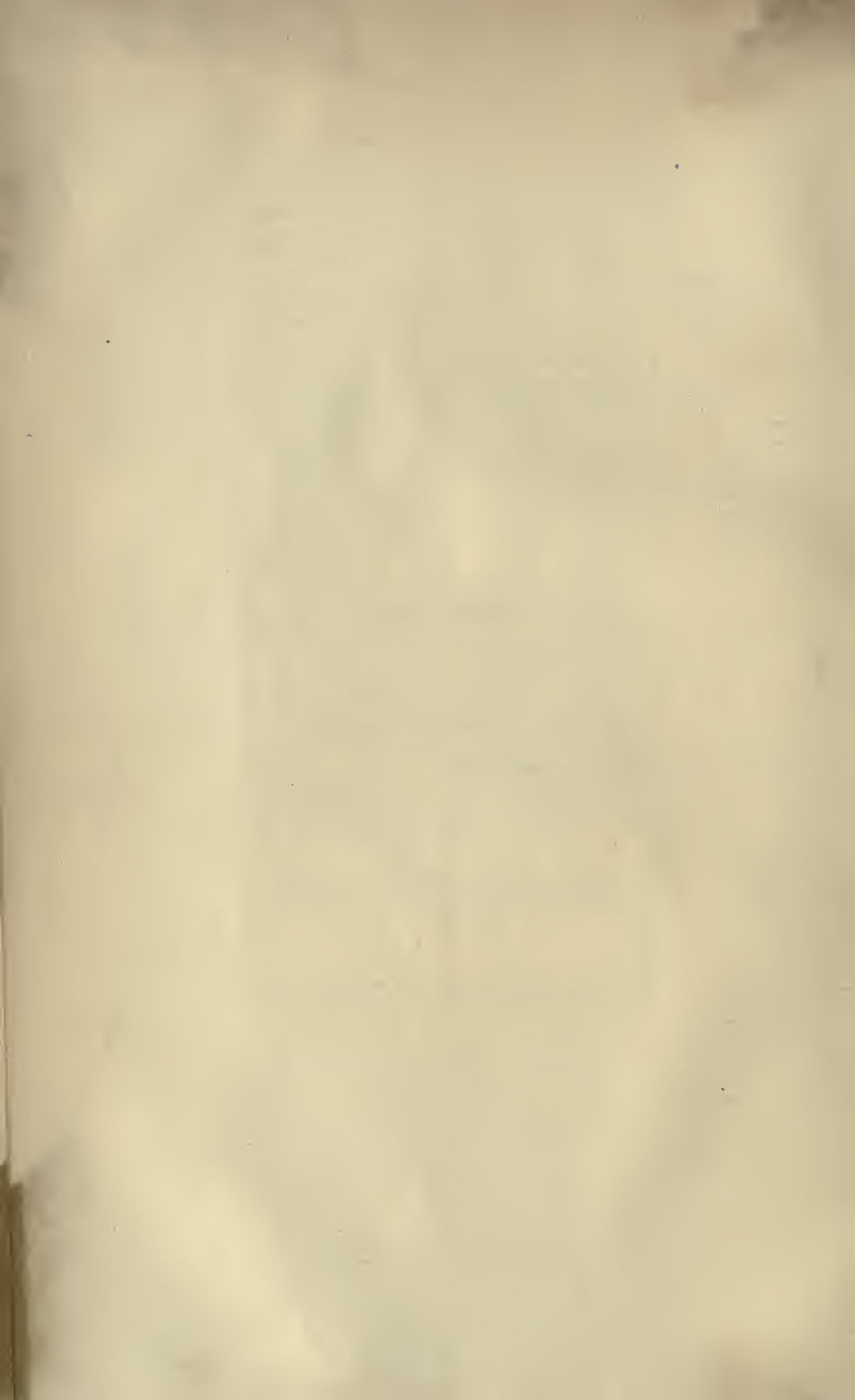


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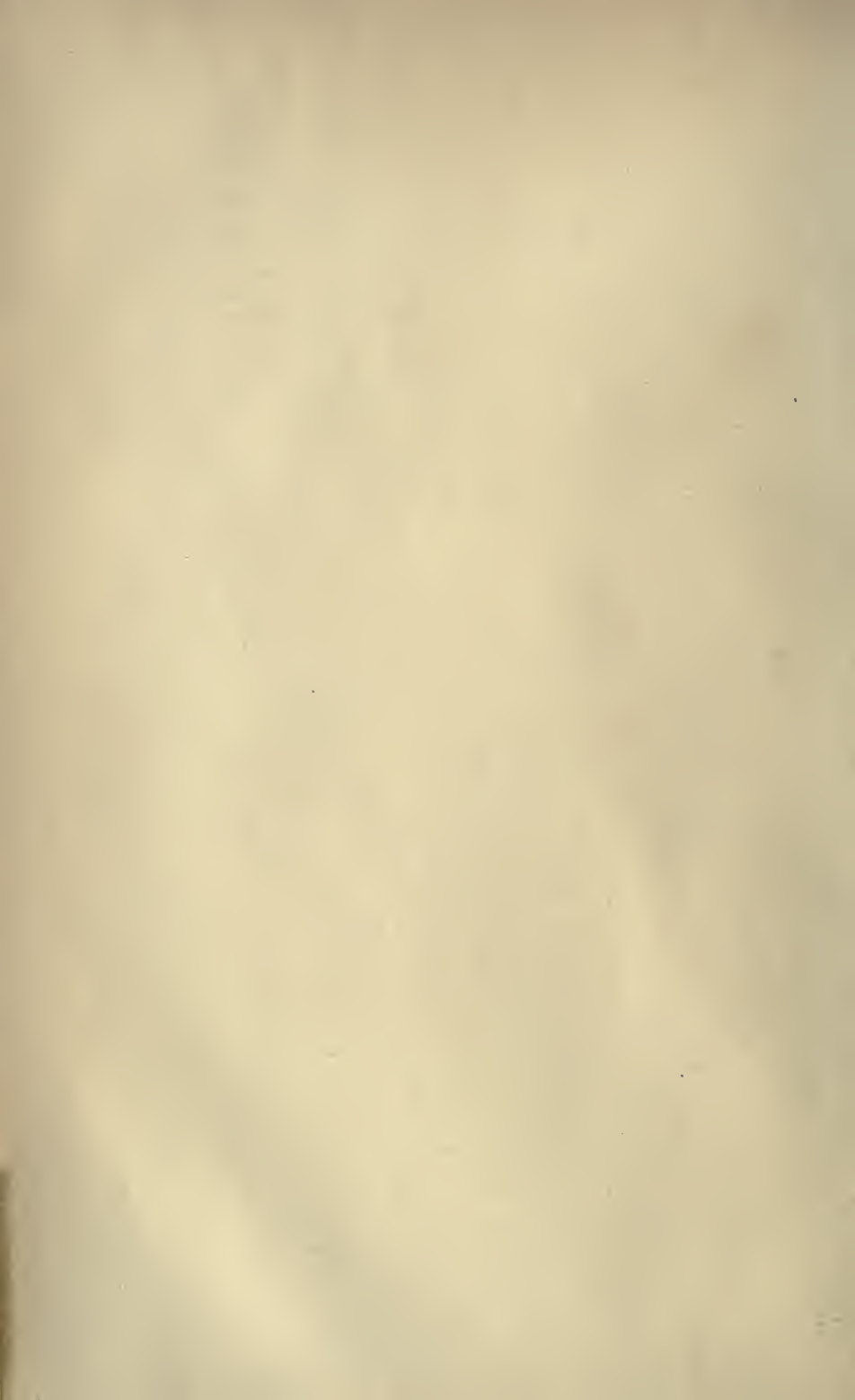
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JOURNAL

OF THE

CONSTITUTIONAL CONVENTION

OF THE

STATE OF NEW HAMPSHIRE,

JANUARY, 1889.

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CONCORD, N. H., January 2, 1889.

The delegates of the Constitutional Convention assembled in the hall of the House of Representatives on Wednesday, January 2, 1889, at 11 o'clock A. M., and were called to order by John W. Morse of Bradford.

On motion of John D. Lyman of Exeter, G. W. M. Pitman of Bartlett was chosen temporary chairman.

On motion of G. C. Gilmore of Manchester, A. W. Baker of Lebanon was chosen temporary secretary.

On motion of Luther P. Durgin of Concord, Rev. James Thurston of Dover was called upon to open the convention with prayer.

On motion of W. S. Davis of Hopkinton, —

*Resolved*, 'That a committee consisting of two delegates from each county be appointed by the chair to inquire who are elected delegates to this convention.

The following-named gentlemen were appointed as such committee :

ROCKINGHAM COUNTY.

John Hatch of Greenland.  
E. R. Blake of Danville.

## STRAFFORD COUNTY.

C. C. Hayes of Milton.  
J. F. Farrington of Rochester.

## BELKNAP COUNTY.

W. L. Melcher of Laconia.  
J. N. Sanborn of Sanbornton.

## CARROLL COUNTY.

J. B. Nash of Conway.  
A. S. Libbey of Wolfeborough.

## MERRIMACK COUNTY.

W. S. Davis of Hopkinton.  
A. W. Sulloway of Franklin.

## HILLSBOROUGH COUNTY.

G. C. Gilmore of Manchester.  
D. S. Fessenden of Brookline.

## CHESHIRE COUNTY.

C. B. Hopkins of Hinsdale.  
G. B. Williams of Walpole.

## SULLIVAN COUNTY.

George S. Bond of Charlestown.  
J. P. Smith of Sunapee.

## GRAFTON COUNTY.

J. D. Weeks of Canaan.  
E. R. Ruggles of Hanover.

## COOS COUNTY.

D. E. Cummings of Colebrook.  
I. S. M. Gove of Whitefield.

On motion of C. C. Danforth of Concord, —

*Resolved*, That when this convention adjourns it adjourn to meet this afternoon at 2 o'clock.

On motion of Mr. Danforth of Concord, the convention adjourned.

#### AFTERNOON.

The convention met at 2 o'clock, according to adjournment.

Mr. Davis of Hopkinton, for the Committee on Credentials, reported that *prima facie* evidence had been presented to them of the election of the following-named persons as delegates to this convention :

#### ROCKINGHAM COUNTY.

Atkinson . . . . .	William C. Todd.
Auburn . . . . .	Alfred D. Emery.
Brentwood . . . . .	Arthur W. Dudley.
Candia . . . . .	Jonathan C. Hobbs.
Chester . . . . .	George W. Currier.
Danville . . . . .	Edmund R. Blake.
Deerfield . . . . .	Herbert N. Clark.
Derry . . . . .	Greenleaf K. Bartlett.
	Leonard H. Pillsbury.
East Kingston . . . . .	George W. Sanborn.
Epping . . . . .	William H. Drury.
Exeter . . . . .	John H. Brown.
	Charles H. Bell.
	John D. Lyman.
Fremont . . . . .	Harrison Sanborn.
Greenland . . . . .	John Hatch.
Hampstead . . . . .	William Sanborn.
Hampton . . . . .	Joseph Johnson.
Hampton Falls . . . . .	Emmons B. Towle.
Kensington . . . . .	John W. Yorke.
Kingston . . . . .	Andrew J. Cilley.
Londonderry . . . . .	Rosecrans W. Pillsbury.



# 6 JOURNAL OF THE CONSTITUTIONAL CONVENTION.

Newcastle . . . . .	Forrest Becker.
Newington . . . . .	John I. Trefethen.
Newmarket . . . . .	George A. Bennett.
	Aaron L. Mellows.
Newton . . . . .	Hervey N. Gould.
North Hampton . . . . .	Thomas I. Batchelder.
Northwood . . . . .	William Knowles.
Nottingham . . . . .	Benjamin W. Crawford.
Plaistow . . . . .	Charles W. Cass.
Portsmouth — Ward 1 . . . . .	Marcellus Eldredge.
	William E. Littlefield.
	John E. Locke.
Ward 2 . . . . .	George B. French.
	Mark A. Scott.
	Calvin Page.
Ward 3 . . . . .	Frank Jones.
Ward 4 . . . . .	James A. Sanborn.
Raymond . . . . .	John T. Bartlett.
Rye . . . . .	Charles J. Brown.
Salem . . . . .	Ruel F. Wheeler.
	Thomas Duston.
Sandown . . . . .	James Hunkins.
Seabrook . . . . .	William Boynton.
South Newmarket . . . . .	Amos Paul.
Stratham . . . . .	Charles W. Jones.
Windham . . . . .	James Cochran.

## STRAFFORD COUNTY.

Barrington . . . . .	William E. Waterhouse.
Dover — Ward 1 . . . . .	Joseph E. Porter.
	William T. Page.
Ward 2 . . . . .	James Thurston.
	Burnham Hanson.
Ward 3 . . . . .	George S. Frost.
	John Holland.
Ward 4 . . . . .	Joseph Hayes.
	Horatio G. Hanson.

Dover — Ward 5	.	.	.	Patrick E. Mallon.
				Robert McMahan.
Durham	.	.	.	Albert DeMerritt.
Farmington	.	.	.	Frank Emerson.
				James E. Fernald.
				Sewell H. Parker.
Lee	.	.	.	Howard M. Glidden.
Madbury	.	.	.	Jacob D. Young.
Milton	.	.	.	Charles C. Hayes.
New Durham	.	.	.	Ichabod P. Berry.
Rollinsford	.	.	.	Charles T. Wood.
Somersworth	.	.	.	William D. Knapp.
				Christopher H. Wells.
				Charles M. Dorr.
				Hiram A. Hayes.
				Patrick Leahy.
Strafford	.	.	.	Hiram S. Hill.
Rochester	.	.	.	James F. Farrington.
				Josiah H. Whittier.
				Cyrille Pageot.
				Samuel D. Felker.
				Frank B. Preston.

## BELKNAP COUNTY.

Alton	.	.	.	Morrison Bennett.
Barnstead	.	.	.	M. V. B. Nutter.
Belmont	.	.	.	Edwin P. Thompson.
Center Harbor	.	.	.	Hiram S. McCrillis.
Gilford	.	.	.	Benjamin F. Drake.
				John B. Morrill.
Gilmanton	.	.	.	Horace Edgerly.
Laconia	.	.	.	Ellery A. Hibbard.
				Woodbury L. Melcher.
				Frank M. Beckford.
Meredith	.	.	.	Solomon Lovejoy.
				John Webster.
New Hampton	.	.	.	David H. Smith.
Sanbornton	.	.	.	Joseph N. Sanborn.
Tilton	.	.	.	John J. Pillsbury.

## CARROLL COUNTY.

Albany and Madison . . . . .	Augustus Lary.
Bartlett . . . . .	George W. M. Pitman.
Brookfield . . . . .	Dudley C. Coleman.
Chatham . . . . .	Charles H. Binford.
Conway . . . . .	Lycurgus Pitman.
	John B. Nash.
Eaton . . . . .	Francis M. Hatch.
Effingham . . . . .	Francisco W. Barker.
Freedom . . . . .	William M. Furbush.
Jackson and Livermore . . . . .	Charles W. Gray.
Moultonborough . . . . .	Wesley J. Wilkins.
Ossipee . . . . .	David W. Davis.
Sandwich . . . . .	Joseph H. Quimby.
Tamworth . . . . .	Arthur E. Wiggin.
Tuftonborough . . . . .	James A. Bennett.
Wakefield . . . . .	John W. Sanborn.
Wolfeborough . . . . .	Alvah S. Libbey.
	George F. Mathes.

## MERRIMACK COUNTY.

Allenstown . . . . .	John H. Sullivan.
Andover . . . . .	Ephraim G. Graves.
Boscawen . . . . .	Willis G. Buxton.
Bow . . . . .	Alfred Davis.
Bradford . . . . .	John W. Morse.
Canterbury . . . . .	Alfred G. Chase.
Chichester . . . . .	George W. Lane.
Concord — Ward 2 . . . . .	George H. Curtis.
Ward 3 . . . . .	Benjamin T. Putney.
Ward 4 . . . . .	Joseph B. Walker.
	Amos Hadley.
	Luther P. Durgin.
Ward 5 . . . . .	Charles C. Danforth.
	Edgar H. Woodman.
Ward 6 . . . . .	George H. Emery.
	Benjamin A. Kimball.
	James L. Mason.

Concord — Ward 7 . . . . .	Isaac P. Clifford.
Danbury . . . . .	John Frazier.
Dunbarton . . . . .	John D. Bunten.
Epsom . . . . .	John H. Dolbeer.
Franklin . . . . .	Frank N. Parsons.
	Isaac N. Blodgett.
	Alvah W. Sulloway.
Henniker . . . . .	William H. M. Cate.
Hill . . . . .	James E. Newton.
Hooksett . . . . .	Arah W. Prescott.
Hopkinton . . . . .	Joseph Barnard.
	Walter S. Davis.
Loudon . . . . .	Henry C. Morse.
Newbury . . . . .	William H. Sawyer.
New London . . . . .	James E. Shepard.
Northfield . . . . .	Edwin J. Young.
Pembroke . . . . .	Martin H. Cochran.
	George P. Little.
Pittsfield . . . . .	Henry W. George.
	John P. Watson.
Salisbury . . . . .	John C. Smith.
Sutton . . . . .	William H. Chadwick.
Warner . . . . .	Albert P. Davis.
Webster . . . . .	Henry H. Gerrish.
Wilmot . . . . .	Sumner E. Philbrick.

## HILLSBOROUGH COUNTY.

Amherst . . . . .	Josiah G. Davis.
Antrim . . . . .	George A. Cochran.
Bedford . . . . .	George H. Wiggin.
Bennington . . . . .	Moses H. Newton.
Brookline . . . . .	David S. Fessenden.
Francetown . . . . .	William H. Farnum.
Goffstown . . . . .	James G. Taggart.
Greenfield . . . . .	George P. Holt.
Greenville . . . . .	George F. Merriam.
Hancock . . . . .	George I. Hayward.
Hillsborough . . . . .	William H. Manahan.

# 10 JOURNAL OF THE CONSTITUTIONAL CONVENTION.

Hollis . . . . .	Charles W. Hardy.
Hudson . . . . .	David O. Smith.
Lyndeborough . . . . .	Luther Cram.
Manchester — Ward 1 . . . . .	Charles H. Manning. Rufus Wilkinson.
Ward 2 . . . . .	David Cross. Isaac W. Smith.
Ward 3 . . . . .	James F. Briggs. Abram B. Story. Charles H. Bartlett. Benjamin F. Clark. Charles A. Luce.
Ward 4 . . . . .	John C. Bickford. George C. Gilmore. George H. Hubbard. Henry E. Burnham. George A. Loughton.
Ward 5 . . . . .	Jeremiah J. Hayes. James F. Cavanaugh. John C. Ryan. James S. Butler. Thomas F. Collins. Michael C. Griffin.
Ward 6 . . . . .	Herbert S. Clough. Amos B. Page. William H. Huse.
Ward 7 . . . . .	Abner J. Sanborn. Marshall P. Hall.
Ward 8 . . . . .	Horatio Fradd. Oswald Paris.
Mason . . . . .	George Whittaker.
Merrimack . . . . .	Horace W. Wilson.
Milford . . . . .	Robert M. Wallace. William W. Howard.
Mont Vernon . . . . .	Charles J. Smith.
Nashua — Ward 1 . . . . .	Charles W. Holt.
Ward 2 . . . . .	James B. Fassett.
Ward 3 . . . . .	John J. Flood.

Nashua — Ward 4	.	.	.	George B. French.
Ward 5	.	.	.	Dennis Cone.
Ward 6	.	.	.	Nelson S. Whitman.
				Thomas H. Clarkson.
				Charles D. Parker.
Ward 7	.	.	.	Elbridge P. Brown.
Ward 8	.	.	.	John L. H. Marshall.
New Boston	.	.	.	Niel McLane.
New Ipswich	.	.	.	Francis W. Pritchard.
Pelham	.	.	.	Daniel Marshall.
Peterborough	.	.	.	Riley B. Hatch.
				John R. Miller.
Temple	.	.	.	Samuel M. Child.
Weare	.	.	.	Harvey J. McKellips.
				John R. B. Kelley.
Wilton	.	.	.	Charles A. Bales.
Windsor	.	.	.	Herbert F. Dresser.

## CHESHIRE COUNTY.

Alstead	.	.	.	Hiram F. Newell.
Chesterfield	.	.	.	Oran E. Randall.
Dublin	.	.	.	Charles J. Ellis.
Fitzwilliam	.	.	.	Amos J. Blake.
Gilsum	.	.	.	George B. Rawson.
Hinsdale	.	.	.	Charles J. Amidon.
				Charles B. Hopkins.
Harrisville	.	.	.	George W. Mason.
Jaffrey	.	.	.	Thomas Annett.
Keene — Ward 1	.	.	.	Clark F. Rowell.
Ward 2	.	.	.	Charles H. Whitney.
Ward 3	.	.	.	Wilton H. Spalter.
Ward 4	.	.	.	Charles H. Hersey.
Ward 5	.	.	.	Charles P. Pitcher.
Marlow	.	.	.	Jonas W. Fletcher.
Marlborough	.	.	.	Luther G. Bemis.
Richmond	.	.	.	Charles W. Conway.
Rindge	.	.	.	Warren W. Emory.
Roxbury, Sullivan, and Surry	.	.	.	George K. Harvey.



## 12 JOURNAL OF THE CONSTITUTIONAL CONVENTION.

Swanzy	.	.	.	.	George W. Willis.
Stoddard	.	.	.	.	Sidney A. Green.
Troy	.	.	.	.	Edwin Buttrick.
Walpole	.	.	.	.	Curtis R. Crowell.
					George B. Williams.
Westmoreland	.	.	.	.	Willard Bill, Jr.
Winchester	.	.	.	.	Hosea W. Brigham.
					Henry Abbott.

### SULLIVAN COUNTY.

Acworth	.	.	.	.	Joab N. Davis.
Charlestown	.	.	.	.	George S. Bond.
Claremont	.	.	.	.	Ira Colby.
					George H. Stowell.
					Robert E. Muzzey.
					Israel D. Hall.
Cornish	.	.	.	.	William H. Sisson.
Croydon	.	.	.	.	George W. Dunbar.
Goshen	.	.	.	.	Frederick C. Stevens.
Grantham	.	.	.	.	Thomas J. Morrill.
Langdon	.	.	.	.	Thomas Winch.
Lempster	.	.	.	.	Asbury F. Perley.
Newport	.	.	.	.	Dexter Richards.
					Levi W. Barton.
Plainfield	.	.	.	.	John T. Duncan.
Springfield	.	.	.	.	James K. Richardson.
Sunapee	.	.	.	.	Joseph P. Smith.
Unity	.	.	.	.	Granville J. Marshall.
Washington	.	.	.	.	Clark S. Spaulding.

### GRAFTON COUNTY.

Alexandria	.	.	.	.	Charles W. Buttrick.
Ashland	.	.	.	.	Richard F. Sanborn.
Bath	.	.	.	.	Benjamin H. Poor.
Benton	.	.	.	.	William W. Eastman.
Bethlehem	.	.	.	.	Moses C. Noyes.
Bridgewater	.	.	.	.	Hiram S. Tilton.



Bristol . . . . .	Gustavus Roby.
Campton . . . . .	Charles H. Damon.
Canaan . . . . .	Joseph D. Weeks.
Dorchester . . . . .	Frederick A. Dolloff.
Enfield . . . . .	David A. Johnson.
Eaton and Landaff . . . . .	Moses Witcher.
Ellsworth and Woodstock . . . . .	William H. Hill.
Franconia and Lincoln . . . . .	Daniel Whitney.
Grafton . . . . .	George H. Randall.
Haverhill . . . . .	Charles G. Smith.
	Charles Fisher.
Hanover . . . . .	Edward R. Ruggles.
	Charles B. Dowe.
Hebron . . . . .	Hiram S. Tilton.
Holderness . . . . .	William M. Wallace.
Lebanon . . . . .	Charles A. Dole.
	Alpheus W. Baker.
	William P. Burton.
Lisbon . . . . .	Augustus A. Woolson.
	John L. Foster.
Littleton . . . . .	Asa Coburn.
	Royal D. Rounsevel.
Lyman . . . . .	Joseph F. Sherman.
Lyme . . . . .	Benjamin T. Washburn.
Monroe . . . . .	Henry G. Jones.
Orford . . . . .	Paul Lang.
Piermont . . . . .	Eleazer P. Andrass.
Plymouth . . . . .	Hazen D. Smith.
Rumney . . . . .	Charles C. Craig.
Thornton . . . . .	Frank A. Barnard.
Warren . . . . .	Joseph M. Little.
Wentworth . . . . .	Samuel G. Currier.

## COOS COUNTY.

Berlin . . . . .	Abner K. Cole.
Carroll . . . . .	Ephraim L. Miles.
Colebrook . . . . .	Daniel E. Cummings.
Columbia . . . . .	Horace C. Sawyer.

# 14 JOURNAL OF THE CONSTITUTIONAL CONVENTION.

Dalton . . . . .	Thomas J. Smith.
Dummer . . . . .	Daniel Cole.
Gorham . . . . .	John F. Noonan.
Jefferson . . . . .	Benjamin C. Garland.
Lancaster . . . . .	William S. Ladd.
	William H. Smith.
Milan . . . . .	Samuel A. Collins.
Pittsburg . . . . .	Winfield S. Schoppe.
Randolph . . . . .	Fred Messenger.
Stark . . . . .	Woodbury Cole.
Stewartstown . . . . .	Lorenzo Farnham.
Stratford . . . . .	Fred N. Day.
Whitefield . . . . .	Ira S. M. Gove.
	Willard N. Armington.

On motion of Mr. Sanborn of Wakefield, the report was accepted and adopted.

On motion of L. W. Barton of Newport, proceeded to ballot for president of the convention.

On motion of Mr. Foster of Lisbon, the following resolution was adopted :

*Resolved*, That the chair appoint five tellers to assist in sorting and counting the ballots.

The chair appointed as tellers the following-named gentlemen :

Messrs. Foster of Lisbon, Durgin of Concord, Sanborn of Wakefield, Briggs of Manchester, Rowell of Keene.

The ballot for president resulted as follows :

Whole number of ballots cast . . . . .	305
Necessary to a choice . . . . .	153
Alpheus W. Baker . . . . .	1
William H. Ladd . . . . .	1
Isaac W. Smith . . . . .	141
Charles H. Bell . . . . .	162

and Charles H. Bell, having received a majority of all the ballots cast, was declared elected president of the convention.

Messrs. Smith of Manchester and Hibbard of Laconia were appointed to conduct the president elect to the chair.

Upon assuming the chair, the president addressed the convention as follows :

*Gentlemen of the Convention :*

Accept my sincere thanks for the honor you have conferred upon me by choosing me to preside over your deliberations. It shall be my endeavor to deserve this expression of your confidence by a strict and impartial attention to the duties of the position ; and my task will be rendered easier by the knowledge that I can at all times rely on the aid and counsel of the many able and experienced gentlemen in the convention. The work which we are chosen to perform ought not to detain us long. The amendments to the Constitution which are generally expected and considered needful are so few that they can be numbered on the fingers of one hand. Our Constitution as it stands contains all the essential elements of civil liberty and good government. It was framed by the fathers who took part in winning the independence of the country, and it bears their impress in its phraseology. Three generations have lived under its provisions prosperously and happily. It is not strange, therefore, that the people have manifested a strong attachment to the instrument and desire that it should be amended in those particulars only which the changed conditions of the times render essential. I have entire confidence, gentlemen, that your wisdom and patriotism will enable you to accomplish the purposes for which the convention is assembled, speedily and to the complete satisfaction of the people of the State.

On motion of Mr. Danforth of Concord, the following resolution was adopted :

*Resolved*, That a committee of twenty, to consist of two from each county, be appointed by the chair to select and report to the convention the names of persons to fill the offices of secretary, assistant secretary, sergeant-at-arms, chaplain, and three doorkeepers for the session.

The president appointed the following gentlemen as such committee :

Messrs. Danforth of Concord, George of Pittsfield, Page of Portsmouth, Pillsbury of Londonderry, Frost of Dover, DeMerritt of Durham, Bartlett of Manchester, Manahan of Hillsborough, Melcher of Laconia, Pillsbury of Tilton, Pitman of Conway, Wilkins of Moultonborough, Amidon of Hinsdale, Abbott of Winchester, Spaulding of Washington, Bond of Charlestown, Woolson of Lisbon, Dole of Lebanon, Sawyer of Columbia, Smith of Lancaster.

On motion of Mr. Blake of Fitzwilliam, the following resolution was adopted :

*Resolved*, That the rules of the constitutional convention of 1876 be adopted as the rules of this convention until otherwise ordered.

On motion of Mr. Hibbard of Laconia, the following resolution was adopted :

*Resolved*, That A. J. Shurtleff be appointed official reporter of the convention, all questions relating to the publication of the debates or proceedings to be subject to the future action of the convention.

On motion of Mr. Todd of Atkinson, the following resolution was adopted :

*Resolved*, That the clerk of the convention, as soon as is practicable, place in a box the name of each delegate written on a separate slip of paper ; that he then proceed in the presence of the convention to draw from the box, one at a time, the slips of paper, and as each is drawn he shall announce the name of the delegate, who shall thereupon choose his seat ; *provided*, that before the drawing shall commence the president shall cause each seat to be vacated, and that he shall see that every seat continues vacant until it is selected under this order, and that any seat after having been selected shall be deemed forfeited if left unoccupied before the drawing is finished.



On motion of Mr. Walker of Concord, the following resolution was adopted :

*Resolved*, That until otherwise ordered, the hours of meeting of the convention be 10.30 o'clock in the forenoon and 2 o'clock in the afternoon.

On motion of Mr. Pitman of Conway, —

*Resolved*, That the hour for drawing seats be fixed at 11 o'clock in the forenoon Thursday, January 3, 1889.

On motion of Mr. Hadley of Concord, the following resolution was adopted :

*Resolved*, That a committee of ten, one from each county, be appointed by the chair to report rules for the government of the convention and recommend methods of procedure.

The president appointed the following gentlemen as such committee :

Messrs. Hadley of Concord, Smith of Manchester, Hatch of Greenland, Knapp of Somersworth, Pitman of Bartlett, Hibbard of Laconia, Blake of Fitzwilliam, Barton of Newport, Ruggles of Hanover, Ladd of Lancaster.

On motion of Mr. Sanborn of Wakefield, the convention adjourned.

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THURSDAY, JANUARY 3, 1889.

The convention met according to adjournment.

(The president in the chair.)

Prayer was offered by Rev. J. G. Davis of Amherst.

Mr. Danforth, for Committee on Permanent Organization, reported recommending the following-named gentlemen for the several offices, and the report was accepted and adopted:

Secretary, James R. Jackson of Littleton ; assistant secretary, William Tutherly of Claremont ; sergeant-at-arms, Timothy Tilton of Laconia ; doorkeepers, John Underhill of Chester, George E. Chesley of Concord, Almon H. Sweetser of Lancaster ; chaplain, Rev. James Thurston of Dover.

Thereupon James R. Jackson, William Tutherly, Timothy Tilton, John Underhill, George E. Chesley, and Almon H. Sweetser, respectively secretary, assistant secretary, sergeant-at-arms, and doorkeepers, appeared, signified their acceptance of their respective offices, and severally were duly sworn to the faithful discharge of the duties thereof.

Attest :

A. W. BAKER,  
*Temporary Secretary.*

Mr. Hadley of Concord, from the Committee on Rules and Method of Procedure, submitted the following report :

1. The president shall take the chair at precisely the hour to which the convention shall have adjourned, shall immediately call the members to order, and at the commencement of each day's session shall cause the journal of the preceding day to be read. He shall preserve decorum and order, and may speak on points of order in preference to other members, and may substitute any member to perform the duties of the chair, such substitution not to extend beyond an adjournment.

2. All committees shall be appointed by the president, unless otherwise directed by the convention ; and the first named member of any committee appointed by the president shall be chairman.

3. No person but the members and officers of the convention shall be admitted within the chamber unless by invitation of the president or some member of the convention.

4. No member shall speak more than twice to the same question without leave of the convention.

5. When any question is under debate, no motion shall be received but, 1st, to adjourn ; 2d, to lay on the table ; 3d, to

postpone to a day certain ; 4th, to commit ; 5th, to amend — which several motions shall take precedence in the order in which they are arranged. Motions to adjourn and lay on the table shall be decided without debate.

6. Any member may call for a division of the question, when the sense will admit of it ; but a motion to strike out and insert shall not be divided.

7. A motion for commitment, until it is decided, shall precede all amendments to the main question ; and all motions and reports may be committed at the pleasure of the convention.

8. No vote shall be reconsidered unless the motion for reconsideration be made by a member who voted with the majority.

9. Every question shall be decided by yeas and nays, whenever a demand for the same shall be made and sustained by at least ten members.

10. The convention may resolve itself into a Committee of the Whole Convention at any time on the motion of a member ; and, in forming a Committee of the Whole, the president shall leave the chair and appoint a chairman to preside in committee ; and the rules of proceeding in convention, and the rule relating to calls for the yeas and nays, shall be observed in Committee of the Whole, except the rule limiting the times of speaking.

11. After the journal has been read and corrected, the order of business shall be as follows : First, the presentation of resolutions and petitions ; second, the reports of committees ; third, the unfinished business of the preceding day.

#### MODES OF PROCEDURE.

*Resolved*, That the methods of procedure in revising the Constitution shall be as follows :

1. All amendments proposed shall be offered in writing, and shall be read by the secretary for the information of the convention, when, unless rejected or otherwise disposed of, the same shall be referred to an appropriate committee, who shall examine and report the amendments referred to the convention, with such



recommendations as they may deem advisable. No proposition for an amendment shall be received after Tuesday of the second week, unless by unanimous consent of the convention or upon the recommendation of the committee.

2. There shall be appointed by the president five separate committees, consisting of two members from each county, which shall be committees on the following subjects :

- (1.) On bill of rights and executive department.
- (2.) On legislative department.
- (3.) On judicial department.
- (4.) On future mode of amending the Constitution, and other proposed amendments.
- (5.) On time and mode of submitting to the people the amendments agreed to by the convention.

The report, on motion of Mr. Manahan of Hillsborough, was accepted and adopted.

Mr. Page of Portsmouth submitted the following resolution, which was adopted :

*Resolved*, That five hundred copies of the rules adopted by the convention be printed for the use of members.

Mr. Emery of Auburn offered the following resolution :

*Resolved*, That the secretary procure for the use of members of the convention five hundred copies of the " Daily Monitor " and " Daily Union."

On motion of Mr. Hibbard of Laconia, the resolution was amended by adding " and the Concord ' People and Patriot.' "

Mr. Briggs of Manchester moved to amend by adding to the list the Manchester " Mirror."

Mr. Loughton of Manchester: I move that the entire matter be laid upon the table. I do not see the use of so many newspapers. They are kicked around here and then are taken down

stairs for old junk. I think we had better consider this matter a little further before we order this large quantity of newspapers.

The motion to lay on the table prevailed.

The president announced that the special order of the day, the drawing of seats, would be attended to.

Mr. Gilmore of Manchester offered the following resolution, which was adopted :

*Resolved*, That the secretary have printed an alphabetical roll of members for the use of the convention.

Mr. Colby of Claremont : I would inquire what provision, if any, has been made to furnish each delegate with a copy of the Constitution. It would seem to be necessary to have copies of the Constitution before the delegates while the revision is going on. Some gentleman may have a plan in mind in regard to this matter.

Mr. Gilmore of Manchester : I would suggest in regard to Mr. Colby's inquiry that perhaps some gentleman at noon time can see the printers and be able in the afternoon to inform the convention whether copies of the Constitution can be delivered here by Tuesday, when the copies of the rules are to be delivered. It is important that they should be obtained as early as possible, and not later than Tuesday morning. If the subject is deferred until after dinner, I will endeavor to find out about the matter.

Mr. Wallace of Milford : The secretary of state has copies of the Constitution, the Bill of Rights, and every amendment made by the previous convention. Whether he has enough to distribute to this convention I do not know, but if he has, that would supply the want perhaps in a better form than any other.

Mr. Colby : I may be in error, but I have the impression that those are printed copies of the Constitution as it was submitted to that convention, and not of the Constitution as amended.

Mr. Wallace of Milford : They are printed copies of the old Constitution and of the amendments which were adopted, as I understand it.

Mr. Ladd of Lancaster: It seems to me that the suggestion of the gentleman from Manchester (Mr. Gilmore) is quite sensible. I move that the convention do now adjourn.

The motion prevailed.

#### AFTERNOON.

The convention met according to adjournment.

(The president in the chair.)

Mr. Wallace of Milford introduced the following resolution:

*Resolved*, That the secretary be instructed to procure five hundred copies of the Bill of Rights and the Constitution of New Hampshire, to be printed and bound with the rules and method of procedure of this convention and the alphabetical list of members for the use of this convention.

Mr. Wallace of Milford: At the close of the proceedings this morning I made a suggestion in regard to copies of the Constitution which are in the office of the secretary of state. I find, upon inquiry, that there are but few of those copies,—not enough to go around in this convention. I also find upon examination that those copies contain the Constitution as it was before it was amended in 1876, with the amendments which were proposed at that time, and not with the amendments which were adopted. Therefore I have offered the resolution which has just been read.

Mr. Gilmore of Manchester: Agreeably to my promise to the convention this forenoon, and in connection with the secretary and several other gentlemen, I had a conference with Mr. Putney, the representative of the state printer, and he says that copies of the Constitution can be printed and delivered here so the convention can have them Tuesday morning, provided the manuscript is presented to the printer to-day, which I understand the secretary promises to do. Consequently they can be here in pamphlet form by Tuesday morning.

The resolution was adopted.

Mr. Blake of Fitzwilliam offered the following resolution :

*Resolved*, That article 3, part 2, of the Constitution, relating to the General Court, be amended by striking out the word "June" and inserting the word "January."

On motion of Mr. Rowell of Keene, the resolution was laid on the table pending the appointment of the committees.

The following resolution was introduced by Mr. Smith of Manchester :

*Resolved*, That the Constitution be so amended as to provide that in all elections of civil officers by the people of this State, whose election is provided for by the Constitution, the person having the highest number of votes shall be deemed and declared to be elected.

On motion of Mr. Rowell of Keene, the resolution was laid on the table pending the appointment of committees.

Mr. Smith of Manchester : I move that the proposed amendment be referred to the Committee of the Whole. I do not propose that this convention now go into Committee of the Whole, but that this proposition be considered in the first place in Committee of the Whole. It presents the naked question whether certain officers whose election is provided for by the Constitution shall be elected by a majority or plurality vote. I see no advantage in sending that proposition to a committee of twenty to get their opinion in the first instance. The proposition is of such a character that I think the convention is able to consider it with as much advantage as if it was referred to a special committee. Therefore, if during the afternoon we have no other business, I will move that the convention go into Committee of the Whole for the purpose of considering it. We are all anxious to employ the time at our disposal in the consideration of as many of the proposed amendments as possible this week, in order that we may adjourn at the earliest possible day.

Mr. Pitman of Conway : I trust that it will take that direction.

The vote whereby the resolution was tabled pending the ap-



pointment of committees was reconsidered, and the resolution laid on the table to be considered in Committee of the Whole.

On motion of Mr. Bickford of Manchester, the following resolution was adopted :

*Resolved*, That a Committee on Mileage be appointed by the chair, consisting of one member from each county.

Mr. Kelley of Weare offered the following resolution :

*Resolved*, That the secretary be instructed to procure for the use of each of the delegates and officers of this convention one copy of either of the daily papers published in Concord, and a copy of one other daily paper published in this State outside of Concord, and that each delegate and officer of the convention place upon paper and give to the secretary the names of the two daily papers he desires to read ; and also that the papers receiving the patronage of this convention be requested to print the rules adopted to-day in to-morrow's issue.

Mr. Lyman of Exeter : If one or two gentlemen prefer a certain paper and no one else wants it, that paper would be required to publish a good deal that it might not wish to publish. If everybody was of my opinion we should take the two newspapers here in Concord and that would be the end of it.

The resolution was rejected.

A. J. Shurtleff of Concord was qualified as official stenographer for the convention.

Mr. Felker of Rochester introduced the following resolution :

*Resolved*, By this convention that article 6 of the Bill of Rights be amended by striking out the word " Protestant."

On motion of Mr. Danforth of Concord, the resolution was laid upon the table pending the appointment of committees.

Mr. Baker of Lebanon offered the following resolution, which was adopted :

*Resolved*, That the president be authorized to appoint two pages and also a teller for each division of the house.

On motion of Mr. Smith of Manchester, the convention resolved itself into Committee of the Whole to consider the resolution relating to the election of civil officers by a plurality vote.

IN COMMITTEE OF THE WHOLE.

(Mr. Briggs of Manchester in the chair.)

The resolution offered by Mr. Smith of Manchester, providing for the election of civil officers by a plurality vote, was considered.

Mr. Smith of Manchester: Mr. Chairman, — It may be expected that inasmuch as I introduced this proposition for amending the Constitution, I should say a few words in its favor. I wish to say in the outset that I do not come here with any special preparation for advocating this measure. The reasons which I shall give will be those which may occur to me upon the spur of the moment.

The proposition which has been read is an exact copy of an article in the Constitution of Massachusetts. There are at least three sets of officers which the Constitution of New Hampshire provides shall be elected by a majority of votes. The officers are the governor, members of the council, and senators. I am not certain whether there is a provision requiring representatives to the General Court to be elected by a majority vote. That can be easily ascertained by an inspection of the Constitution. The naked issue this proposition presents is this: Is it expedient that New Hampshire shall adhere to the rule that has governed it for a century requiring a majority vote for the election of those officers, or shall they be elected by a plurality vote? I suppose the general purpose is this: to get as near as we can to the popular voice, and the theory of a majority vote is that the majority should rule. Of course we all agree to that proposition; but it sometimes happens that the people fail to indicate by a majority of votes whom they will have to fill these offices. The result is either that there must be a new election, or that in some other way the vacancy must be provided for. Now in regard to the governor, the Constitution provides that the Legislature in joint

convention shall elect one of the two highest candidates. If the Legislature should elect the candidate who has the smaller number of votes, I suppose all will agree that such an election does not come so near the popular voice as it would if the one who had the larger number of votes was elected ; so, if the theory is that we are to get as near to the voice of the people as we can, the person who gets the highest number of votes should be elected. Now in regard to senators, the Constitution provides that the Legislature in joint convention shall elect one of the two highest candidates ; and the same remarks will apply to senators as to governor. If we are to get the closest to the popular voice that we can, the person who has the highest number of votes should be declared elected. The Constitution has another provision, — that whenever there is a vacancy in the office of senator by death, resignation, or otherwise, the Legislature shall from the two remaining candidates who received the highest number of votes elect one to fill the office for the remainder of the term. It has more than once happened that in making such choice the Legislature has elected a candidate who received a very small number of votes, perhaps less than ten. Every one will admit that the election of such a person does not come very near the popular voice.

Now I believe, although I have not gone through the constitutions of the various States of this Union, — I believe that in most of them the plurality rule prevails. Massachusetts a score of years ago adopted the plurality rule. Our sister State of Maine adopted it some ten years ago. Wherever it has been adopted I do not remember that it has ever been abandoned. Viewing the question upon all its sides, I have come to the conclusion that if the candidate who receives the highest number of votes shall be declared elected we shall as a rule come nearer to the popular voice than in any other mode.

New Hampshire has partially tried this rule. It has applied it to the election of members of Congress ; and for many years (I do not remember how many) our members of Congress have been elected by a plurality of votes. I have heard no complaint from any source that the plurality rule has not worked to the satisfaction of the people. I believe the candidates for presidential



electors are also elected in the same way ; I do not wish to speak with absolute certainty for I have not examined the statutes. My friend from Atkinson (Mr. Todd) informs me that this is so. We have also applied the plurality rule to the election of city officers, and my recollection is that in all the cities of this State the officers chosen by the people are elected by a plurality vote. New Hampshire also extended the rule to the election of officers of school districts before it abandoned the school district system. It has also extended the principle to the election of moderators in town meetings, because it was found that frequently the whole day and sometimes two or three days were consumed in the election of a moderator at the annual meeting when the majority rule prevailed. So far as I can learn, no dissatisfaction has been expressed with the change. So, New Hampshire is taking no new departure if it adopts this rule.

Possibly a person may be found inquiring "How will this affect my political party?" The answer is obvious. Sometimes the party will gain and sometimes it will lose by the operation of the rule, but I think it may safely be assumed that upon the whole the gains will offset the losses ; but, however that may be, it is upon a higher plane that I would put this. I would exclude political considerations altogether and put the question upon the broad principle that we want to get as near to the popular voice as we can in the choice of our officers ; and I believe that if we adopt the plurality rule we shall get nearer to the popular voice than in any other way.

I am reminded by my friend from Conway (Mr. Pitman) that we have extended the plurality rule to the election of county officers ; so, it would seem that the election of governor, senators, and councilors by a majority vote is the exception rather than the rule in this State at this day.

I do not desire to precipitate this question upon the convention. As there was no other business to engage our attention, I ventured to open the debate upon it, and if the convention is not ready to dispose of the question this afternoon I know of course it will go over to some future day. If the convention is ready to dispose of it this afternoon, we shall make so much progress towards the disposal of the business that calls us here.

Mr. Knapp of Somersworth: As no one seems ready to occupy the time, I will add one word to what has been said. It will not be expected that any person can have much to say upon this question without some opportunity to consider it. It has come upon us suddenly and we have had very little time to think about it. There are a few facts, however, to which I will call your attention. I have looked into the constitutions of nearly all the States, and find that with the exception of four States, the governors are elected by a plurality, and those four States are New Hampshire, Vermont, Rhode Island, and Connecticut. Outside of New England, every governor is elected by a plurality of votes. If what other people do should have any influence in directing our course, certainly this fact is important. As has been said here, Massachusetts began by a majority rule, but in 1855 she came up to the point of adopting this amendment, and so far as I know it has worked satisfactorily. In Maine they have adopted the rule of electing the governor by a plurality, and are satisfied with it. No State has ever gone back to the majority rule after it has adopted the plurality rule. It is well known to all of us that at the time our Constitution was framed there were but two parties, — no one thought of more than two parties; great questions divided the people into two parties, and not into three or four. Since that time other questions have come up, and we have had other parties, third parties and fourth parties, and, for aught I know, we are likely to have third and fourth parties hereafter; so that the rule of majorities is not what it was in the early history of the State. It seems to me that now the only way we can have a majority rule is by adopting the plurality rule, — at least, there is no way we can come so near the majority rule as through the plurality rule. Perhaps that sounds like a paradox, but what I mean is that when there is no possibility of electing by a majority, the next best way is to elect by a plurality.

Mr. Hibbard of Laconia: I do not rise to discuss the question; I have nothing that I wish to say upon it. It seems to me, however, that it is not advisable to take the sense of the committee at this time upon so important a question. It has

come up here this afternoon without notice; there may be gentlemen of the convention who would be glad to discuss it, and if there is no one who wishes to say any more about it at this sitting of the committee, I move that the committee rise, report progress, and ask leave to sit again.

The motion prevailed, and the committee arose.

IN CONVENTION.

(The president having resumed the chair.)

Mr. Briggs of Manchester, chairman of the Committee of the Whole, reported that the committee had had under consideration the resolution providing for the election of civil officers by a plurality vote, but had not concluded the same, and asked leave to sit again.

Leave was granted.

Mr. Hadley of Concord: Representation has been made to myself and probably to other members of the Committee on Rules and Method of Procedure that the time limited for introducing amendments, which is fixed as Tuesday morning, had better be changed to Wednesday morning. Good and sufficient reasons having been presented to me, I would move the reconsideration of the vote by which those rules were adopted, and if the motion prevails, I will then move to amend by inserting Wednesday in the place of Tuesday.

Mr. Cross of Manchester: What are the reasons for Wednesday instead of Tuesday?

Mr. Hadley: The reasons are that quite a number of business men may be detained away and cannot be present conveniently, and they wish an opportunity to present amendments.

Mr. Danforth of Concord: Could not the purpose be reached quicker by moving to amend the rules by changing Tuesday to Wednesday?

Mr. Briggs of Manchester: I suppose those rules, having been passed, cannot be reconsidered until they are brought back before the convention.



Mr. Hadley : That is what I supposed, and the reason I made the motion.

The motion of Mr. Hadley to reconsider the vote whereby the rules were adopted prevailed.

Mr. Hadley moved to amend the report of the committee by inserting in the twelfth rule Wednesday in the place of Tuesday.

Mr. Hibbard of Laconia : Upon reflection it seems to me that this motion to amend ought not to prevail. Next Tuesday is late enough for the admission of proposed amendments if the convention is to adjourn next week, as we all hope and trust it certainly will. If there is any gentleman who has private business on Tuesday, I think he can arrange with some other member to present any amendment which he wishes to propose ; and there is also an outlet in the plan recommended by the committee—that by unanimous consent or upon recommendation of one of the committees new amendments may come in later. I think we had better not change the plan that was adopted this morning.

Mr. Abbott of Winchester : It seems to me that as a deliberative body we should take sufficient time for the purpose of introducing amendments. As has been stated here and as must be well known to the business men of this convention, upon Tuesday next there are more corporation meetings in the State of New Hampshire than — I was going to say, than upon all the other days of the year, and many will be obliged to be away attending to their business until Tuesday night. It seems to me that one day cannot seriously retard the progress of this convention. Let us act deliberately and take sufficient time. I believe that the introduction of amendments should be permitted until Wednesday night. Instead of hindering this convention I think it would expedite business.

The question being stated, the motion prevailed.

Mr. Rowell of Keene moved that the convention adjourn.

The motion was rejected.

Mr. Woolson of Lisbon moved that when the convention adjourns it adjourn until Friday at 10.45 A. M.

The motion did not prevail.

Mr. Gilmore of Manchester: I dislike very much to fly in the face of the inevitable, but prior to the motion to adjourn, the secretary had asked me to move an adjournment in order that he might get his copy ready to go down to the public printer at 5 o'clock. It would facilitate business, because we might otherwise lose a whole day. I was about to make that motion, and I would move that the convention do now adjourn.

The motion prevailed, and the convention adjourned.

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FRIDAY, JANUARY 4, 1889.

The convention met according to adjournment.

(The president in the chair.)

Prayer was offered by the chaplain.

The journal of Thursday was read and approved.

The president announced the appointment of tellers as follows:

Division 1. — Manahan of Hillsborough.

2. — Emery of Auburn.

3. — Brown of Nashua.

4. — Hoit of Nashua.

5. — Danforth of Concord.

The president announced the appointment of pages as follows: Lewis C. Patterson of Concord and Leon Coleman of Colebrook.

The president laid before the convention the following communication:

*To Hon. Charles H. Bell:*

The executive committee of the Woman's Christian Temperance Union beg leave to appear before the honorable the constitutional convention, Friday morning, January 4, at 11 o'clock, to present the subject of an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors.

J. R. CARPENTER,  
*In behalf of the W. C. T. U.*

JANUARY 3, 1889.

Mr. Beckford of Laconia: I move that the Woman's Christian Temperance Union be permitted to appear before this convention at the hour named in the communication.

Mr. Cross of Manchester: I think it important to do what business we can this morning. I am in favor of listening to these ladies, but some members of the convention may desire to leave before they conclude their remarks. I think some later hour might accommodate them and be better for us. I would suggest either half-past one this afternoon or 12 o'clock this forenoon. I propose half-past one this afternoon as an amendment; or it may be that some earlier hour would accommodate them better, and perhaps there is some gentleman here who is able to speak for them.

Mr. Beckford: I accept the amendment.

The motion as amended prevailed.

On motion of Mr. Bartlett of Manchester, it was voted that when the convention adjourns this forenoon it adjourn to meet at half-past one this afternoon.

On motion of Mr. Davis of Hopkinton, it was voted *viva voce* that when the convention adjourns this afternoon it adjourn to meet on Monday at 7 o'clock P. M. An amendment by Mr. Hoit of Nashua fixing the time of adjournment at 3 o'clock P. M., Monday, instead of 7 o'clock P. M., was accepted by Mr. Davis, and the motion prevailed, on a division.

Mr. Beckford of Laconia introduced the following resolution:



*Resolved*, That the secretary be instructed to procure for the use of the delegates and officers of the convention three hundred and fifty copies each of the "Daily Monitor," "Daily Patriot," Manchester "Union," and "Daily Mirror," from January 7 (Monday) until the close of the convention.

Mr. Beckford : There has never been a legislative body assembled in this hall up to this time which has not taken the daily papers of our State. It seems to me that we can ill afford to pass by this precedent. It is penurious not to take the papers. We have spent more money in debating this question up to this time than we should in taking all four of these papers. These papers have shown enterprise ; they have sent here four expert reporters and, as I understand, a short-hand reporter. Now, we are not obliged to read all these papers. If my Republican friends cannot stand the "Patriot," they need not read it ; it has given me a good many hard raps, but I can enjoy reading it. The bill will be very small — probably not what one of these reporters is paid. It seems to me the resolution ought to pass without discussion. Let us, as all legislative bodies have done in the past, vote to take these papers, and let them be placed upon our desks from next Monday until the close of the convention.

Mr. Loughton of Manchester : A resolution of like nature was tabled on my motion yesterday. That bill will amount to twenty-five dollars a day to this convention. Now, doubtless, members of this convention have been members of legislative bodies of this State, and doubtless they have seen these papers brought in here, piled on their desks, not opened, merely brushed away and carried off. Now, it seems to me that it is unnecessary for this convention, supposed to be a conservative body of men and who doubtless have criticised legislatures for doing this same thing, to take so many papers when we all know that three fourths of the members will read the morning papers before they appear in this convention. Three of those papers are merely evening editions ; one of them is a morning paper. Now, I do not believe that it is economy to do anything of the kind. To be sure this is a short session, but our action establishes a precedent for future legislative bodies assembled here. They will say, "The consti-

tutional convention did so, and it is well enough for us to do likewise." It seems to me it will be just as well not to have these papers encumbering our desks. The rustling of papers disturbs the proceedings, and we are not here for the purpose of reading newspapers.

The resolution was rejected.

Mr. Farnham of Stewartstown offered the following resolution, which on motion of Mr. Davis of Hopkinton was laid upon the table :

*Resolved*, That the secretary be instructed to procure three hundred and fifty copies each of the Concord "Daily Monitor," and the Manchester "Union" for the use of the convention beginning Monday, January 7.

Mr. Beckford of Laconia introduced the following resolution :

*Resolved*, That the secretary procure, for the use of the members of the convention, three hundred and fifty copies each of the Concord "Daily Monitor" and Manchester "Union."

Mr. Beckford : I hope this resolution will pass. We have spent money enough talking about the matter to pay for these papers. It costs ten dollars every minute you delay.

Mr. Davis of Hopkinton : In order to save time I move that this resolution be laid on the table.

The motion to lay on the table prevailed.

The following resolution was introduced by Mr. Cross of Manchester :

*Resolved*, That part second of the Constitution be amended by providing that the General Court shall have power to exclude from the privilege of voting or being eligible to office any person convicted of crime.

Mr. Cross of Manchester : I do not propose to discuss this question now, but merely to bring it to the attention of the convention and then ask that it be referred to its appropriate com-

mittee. My attention was called to this matter by Professor Colby, of Dartmouth College, who is professor of law in that institution and the successor of Minister Phelps (our minister to England) as lecturer in the law department of Yale College. I think Professor Colby has written to some other gentlemen, members of this convention, calling their attention to this matter. You are aware that by the Constitution "every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this State, of twenty-one years of age and upward, excepting paupers and persons excused from paying taxes at their own request," have a right to vote. There is no other exception than that of paupers and persons excused from paying taxes. In all the States except New Hampshire there is a provision, either in the Constitution or the statute law, excluding criminals from the right to vote. I have an extract from the Constitution of Ohio, which reads in this way: "The General Assembly shall have power to exclude from the privilege of voting or of being eligible to office any person convicted of bribery, perjury, or other infamous crime." They have a like provision in Illinois, in Alabama, in Indiana, in Iowa, in Minnesota, in New York, and in West Virginia. Many States insert this in their Constitution. Other States give to the Legislature the power to exclude criminals from the right to vote. I have drawn this resolution broadly, using the term "crime." In many of the States they exclude those who are convicted of bribery, perjury, arson, burglary, and various other crimes. To-day if the men confined in the state prison could come out they would have a legal right to vote. The men confined in the prisons of this State have a legal right to-day to vote. They are enemies of our free institutions. If they defy the law, if they bring disgrace upon themselves and upon the State, what is our duty, acting in the interests of our people? Shall we allow the same rights to those men who have forfeited their rights? Shall we allow them to vote and be elected? I have brought this to the attention of the convention, Mr. President, and I ask that it be referred to its appropriate committee and there considered.

Mr. Ladd of Lancaster: I would like to ask the gentleman from Manchester (Mr. Cross) if he understands it would be in-

competent now for the Legislature to provide that such disability and incapacity should attach to persons convicted of crime.

Mr. Cross : I do so understand it, and I desire that it go to one of the committees because I have made this provision broad, using the word "crime," and upon conference it might be thought best to use the words burglary, arson, and various names rather than the broad term "crime."

On motion of Mr. Cross the resolution was laid on the table, pending the appointment of committees.

The following resolution was introduced by Mr. Davis of Hopkinton :

*Resolved*, That article 28 of the Constitution be amended so as to read : " No person shall have the right to vote or be eligible to office under the Constitution of this State who shall not be able to read the Constitution in the English language, and write his name ; *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has a right to vote, nor to any person who shall be sixty years old or upwards at the time this amendment shall take effect."

On motion of Mr. Davis, the resolution was laid on the table, pending the appointment of the committees.

The following resolution was introduced by the same gentleman :

*Resolved*, That article 39 of the Constitution be amended by striking out the words, "and, in like manner, all vacancies in the Senate arising by the death, removal out of the State, or otherwise shall be supplied as soon as may be after such vacancies happen," and insert, "any other vacancy in the Senate shall be filled by election by the people of the unrepresented district upon the order of a majority of the senators elected."

Mr. Davis : Mr. President, — This amendment proposes to change the form of filling vacancies in the Senate caused by



death, removal out of the State, or in any other way, except where there is no election. Now, where there is no election, the Legislature is required to make an election from the two highest candidates that have been supported at the election; and the Constitution also provides that all other vacancies shall be filled in the same way. For instance, if a senator dies the Legislature is obliged to elect from the two highest remaining candidates who were in the field at the time. This change provides that where a vacancy occurs by a death there shall be an election to fill such vacancy instead of the former method.

On motion of Mr. Davis, the resolution was laid on the table.

Mr. Craig of Rumney presented a petition of Lyman Merrill and thirty-five others, citizens of Rumney, asking that the Constitution be so amended that justices of the peace should have exclusive original jurisdiction in all civil causes where the debt or damage does not exceed \$100 and the title of real estate is not concerned, but with right of appeal to either party to some other court.

The petition, on motion of Mr. Lyman of Exeter, was laid upon the table.

Mr. Lyman of Exeter offered the following resolution :

*Resolved*, That there shall be biennially elected a lieutenant-governor, whose title shall be His Honor, and who shall be qualified in point of age and residence in the same manner with the governor, and the manner of his election and the qualifications of the electors shall be the same as are required in the election of a governor. The return of the votes for this officer and the declaration of his election shall be in the same manner.

Whenever the chair of the governor shall become vacant by reason of his death, absence from the State, or otherwise, the lieutenant-governor for the time being shall, during said vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities which, by this Constitution, the governor is vested with when personally present.

Whenever the chair both of the governor and lieutenant-governor shall become vacant, by reason of their death or otherwise, the president of the Senate shall, during such vacancies, have and exercise all the powers and authorities which by this Constitution the governor is vested with when personally present; but when the president of the Senate shall exercise the office of governor he shall not hold his office in the Senate.

The lieutenant-governor shall be president of the Senate, but shall have no vote unless it be equally divided.

The Senate shall choose its other officers, and also a president *pro tempore* in the absence of the lieutenant-governor, or when he shall exercise the office of governor.

On motion of Mr. Blake of Fitzwilliam, the convention resolved itself into Committee of the Whole to consider the resolution in regard to changing the time of holding the sessions of the Legislature.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Woolson of Lisbon in the chair.)

The proposed amendment relative to changing the time of holding sessions of the Legislature from June to January under consideration.

Mr. Blake: I do not propose to occupy much of the time of the committee in discussing this important proposed amendment of the Constitution. I think it is generally understood, and generally conceded, that the proposed amendment was one of the prime objects for which this convention was called. When the question was submitted to the people by the act of the Legislature, whether it was expedient that a convention be called to revise the Constitution, when the legal voters in the various wards and towns of this State were asked to vote upon that question, the inquiry was, What is the object of the convention? and the universal answer was that one of the prime objects—one of the first objects—of the convention would be to change the time of the meeting of the Legislature from June to January.

The natural inquiry is, What is the object of this change?



One objection to the assembling of the Legislature in June since the change to biennial sessions is that twice in every six years a vacancy occurs in the office of United States senator from the 4th of March to the assembling of the Legislature the following June. If this proposed amendment is adopted it will obviate that difficulty, and the State of New Hampshire will then be represented in the United States Senate by a senator elected by the Legislature of the State, instead of one appointed by the executive to fill a vacancy twice occurring in every six years.

There are a great many other advantages and reasons why the time of assembling the Legislature should be changed from the first Wednesday of June to the first Wednesday of January. It is well known that since the adoption of our Constitution a hundred years ago the modes of traveling in New Hampshire have materially changed. At that time the members of the Legislature were obliged to travel on foot or on horseback, and it would take from five to eight days for representatives from Northumberland, Stewartstown, or Clarksville to arrive at the capital of the State, and it would have been almost impossible for them to travel during the month of January. This objection is now done away with by the railroads and the other means of conveyance.

Then, again, it is well known by this body that the great majority of the members of the Legislature of New Hampshire are farmers, who can better leave their farms in the month of January to come here and attend the session of the Legislature, which will generally be expected to adjourn before the commencement of the warm summer months. And thus, in a great many instances there will be shorter sessions, and considerable expense to the State will be saved. There are many other reasons why this change should be made, which perhaps it is not necessary that at this sitting of the committee I should take the time to explain. This is a very important amendment, and I think if made it will be ratified by the people without any doubt whatever.

Mr. Walker of Concord : There are one or two other considerations that may as well be discussed in connection with this proposition. I suppose it would be for the advantage of the

people of this republic if all the legislatures of the different States were in session at one and the same time. That has been felt for a great while, and the state legislatures have been gravitating, imperceptibly perhaps, but all the while gravitating to winter sessions. There is an advantage in having the representative bodies of this republic in session at the same time, if it can be done without great inconvenience, for various reasons. There was a time twenty-five years ago when we were in a very disturbed condition in this republic of ours, and exigencies were liable to arise when it was necessary to have legislative action, and to have it immediately. Now, if that legislative action could be had simultaneously, a great advantage would accrue, and if it was demanded, under the present condition of things, during the winter when most other legislatures are in session, the New Hampshire Legislature would have to be assembled by a special call. We can, as a people, act better if we are all in session at the same time through the whole country, and at the same time that Congress is in session. I do not know that I have made my point clear, but I think if I have you will see that there is force in it,—that there is an advantage in having the sessions of the various legislatures assembled at the same time ; and that we are gravitating towards that imperceptibly means something. It means that there is an advantage.

Mr. Barton of Newport: Twelve years ago I happened to be a member of the constitutional convention, and I happened to be one this year. Now the ground that I then took in favor of changing the time of the meeting of the Legislature from June to January, and the reasons I gave then, I have now. I agree with the mover of this resolution (Mr. Blake of Fitzwilliam) that we ought to change the time from June until sometime in the winter. At the former convention we urged the change to January, and I am for January now. The reasons for the change lie on the surface ; every intelligent man who has thought upon this subject apprehends them, and I have no doubt that nearly every one has come to the conclusion that the change ought to be made. We should have carried the measure twelve years ago if it had not been for the influence of the president, who left his place and came down on the floor and made a convincing argu-

ment against it and in favor of retaining the old time. Scarcely had the convention adjourned before there was a feeling that we had made a mistake. One reason was the same that the gentleman from Fitzwilliam, I think, has stated here, — the senatorial question. And there was another reason why I urged it then and why I urge it now: we are in a better condition to legislate at this season of the year than we are in June. I think this convention here is in better trim for action than it would be in the spring. We want good legislation, and we can secure it better at this season of the year than we can in the spring or in the summer.

Now I am not going to occupy the attention and time of the convention by going into details. As I said, the reasons lie on the surface. One of the reasons I urged then and I urge now is that the time is too long between the election and the sitting of the Legislature. I am glad that the proposition we then urged has been vindicated by the expression I have seen manifested outside this convention and inside the convention, and I hope the change will be made. One of the reasons urged against the change was that this hall could not be warmed in the winter. Now I think it is too warm here this very minute for any of us; so it is proved that there will be no trouble in getting the hall warm enough. One of the reasons urged against the change was if we were here in the winter season we should stay here longer than we ought. I have been here a great many times when it was very warm; I have seen members of the Legislature who ought to have been in the house out under the trees lying around in different places because it was so warm inside. It was often difficult to get a quorum because it was so warm here the members had rather take the outside than the inside. Now if we meet here in the winter season the hall can be warmed, and I submit that when one is braced up by the cold weather he can think better and work better than he will in the spring when the whole system is relaxed. These are my reasons for changing the time of holding the Legislature from June to January, and I approve of the first Wednesday of January as provided in the resolution.

Mr. Hibbard of Laconia: I am not in favor of presenting many amendments to the people for ratification, but I am in



favor of presenting this. I am satisfied that this convention would not now be here if it had not been for so much dissatisfaction with the time of holding the sessions of the Legislature, and chiefly because the time provided by the Constitution is in antagonism with, I might say nullification of, a law of the United States. My opinion is that January is the best of all times for the Legislature to assemble. My opinion also is that the first Wednesday of January is the best of all the days in January. As no gentleman has yet given any statistics in regard to when other legislatures meet, I will say that in two thirds of the States the legislatures meet in January, and of those which meet in January in half of the States they meet the first week in January. The tendency is, as the gentleman from Concord has said, to adopt January, and changes will be made from time to time, and it is my judgment that the time is not far distant when all or nearly all the legislatures will meet in January. I am heartily in favor of this amendment. It is what the people expected from this convention when they voted in favor of calling it. If they got nothing else they expected this, and I hope that it will be adopted.

Mr. Todd of Atkinson: I think that years ago — I do not know how long ago — the New Hampshire Legislature did meet in the winter. I wish some one would give the reasons for the change. As to what the people want, I do not think they wanted this convention at all. Out of about ninety thousand voters there were only twenty-one thousand who cared enough about a convention to vote at all, and of those I think about eleven thousand voted in favor of it and ten thousand against it. As I said, I would like to know the reasons why the change was made from the winter to the summer if anybody can tell.

Mr. Barton of Newport: I would inquire if that was only a special session? If at any time since we adopted the Constitution we have ever had regular sessions in the winter, I did not know it.

Mr. Hadley of Concord: As I understand it, every four years, for the purpose of apportionment, there was a special session of the Legislature held in the winter.

Mr. Lyman of Exeter : The gentleman (Mr. Hadley) is right. It was for the apportionment of the state tax, and that continued in practice to the time when Mr. Thomas L. Tullock was secretary of state. They had a committee appointed at the regular session to prepare the tax and then they met in the fall to pass the bill.

Mr. Davis of Hopkinton : Before this question is put I would like to say a word in regard to it. There has been some talk—perhaps not a great deal—about changing to annual sessions from biennial sessions ; also about changing the manner of compensating the members of the Legislature from a per diem to a salary. But there is another thing of minor importance that I did wish to speak about, and that is in regard to the day of assembling the Legislature. My idea is that perhaps it would not be best to fix that day absolutely on the first Wednesday of January, because we are now getting to consider that the holidays run from Christmas to the first of January, and sometimes, of course, the first Wednesday of January might come on the first day of the month. For that reason I would move this amendment to the resolution, — I move to substitute “the Wednesday after the first Monday of January” in the place of “the first Wednesday of January.”

Mr. Gilmore of Manchester : I did not propose to say anything upon this question. I understand that the action of this committee is merely recommendatory to the convention. Now there are several other matters connected with this question which, after an expression of the sentiment of this committee, will have to be considered. Undoubtedly this committee is in favor of a change, and I know of no one against it. The gentleman from Hopkinton has suggested a matter for consideration. Another question is as to when this change shall first take place. You will have to shorten the term of the members of the next Legislature five months, the first meeting of the Legislature under the proposed amendment being in January, 1891. I merely mention these matters which will have to be considered in connection with the proposed change when the Committee of the Whole report to the convention in favor of the adoption of the amendment, as they undoubtedly will.

The question being stated, the amendment proposed by Mr. Davis was rejected.

The question recurred upon the adoption of the resolution offered by Mr. Blake of Fitzwilliam.

The question being stated, the resolution was adopted.

On motion of Mr. Bartlett of Manchester, ordered that the committee rise and report the resolution.

#### IN CONVENTION.

(The president having resumed the chair.)

Mr. Woolson, chairman, reported that the Committee of the Whole had had under consideration the resolution providing for changing the time of holding the sessions of the Legislature from June to January, and had adopted the same and directed him to report the resolution to the convention.

Mr. Gilmore of Manchester: I suppose it will be necessary for the committee to meet again to consider this matter. I move that this report be laid on the table, subject to be taken up for discussion in the convention.

The question being stated, the motion was rejected.

Mr. Manahan of Hillsborough: I move that the report of the Committee of the Whole be adopted.

Mr. Ladd of Lancaster: I suppose it will be necessary to the adoption of this general resolution that it be read into the Constitution. There must be some provision for changing the phraseology of the Constitution as it will necessarily be changed by the incorporation of this amendment; and I do not know about the practice. It occurred to me in looking over the records of the last constitutional convention that perhaps it might be convenient and proper to refer the matter to one of the standing committees to be put in form, or some other committee might be created by the convention to fit it into the Constitution. I do not know how many changes this general proposition may involve, but a general amendment of this character would



naturally involve a number of changes in the phraseology. In this view I would renew the motion that the report lie upon the table for the present, so that some provision may be made for reading it into the Constitution.

The President : I understand that the practice of the last convention was, after a general resolution had been reported from the Committee of the Whole, to send it to a special committee for the purpose of making the phraseology suitable to carry out the intent. Although our mode of procedure is not strictly the same as the procedure of that convention, it would seem as if that would be the natural course to take in this case. In form, the proposition, of course, as it comes before the convention, is a resolution. It must be modified to make it suitable for its object.

Mr. Manahan of Hillsborough : I can see the wisdom of referring this report to a proper committee, and I will withdraw my motion.

On motion of Mr. Ladd of Lancaster, the report was laid upon the table, to be referred to one of the standing committees after their appointment.

On motion of Mr. Todd of Atkinson, the convention adjourned.

#### AFTERNOON.

The convention met according to adjournment.

(The president in the chair.)

Mr. Emery of Auburn offered the following resolution :

*Resolved*, That the secretary be instructed to procure for the use of the officers and members of the convention three hundred and fifty copies of the "Daily Union," beginning with Monday, January 7, 1889, and continuing to the close of the session.

The question being stated, a division was called for, and seventy-three having voted in the affirmative and one hundred and ten in the negative, the resolution was rejected.

Mr. Cate of Henniker offered the following resolution :

*Resolved*, That the Constitution of New Hampshire be so amended that the pay of members of the General Court be fixed at a stated salary, and that said salary be fixed at \$300 per session, not including mileage.

On motion of the same gentleman, the resolution was laid on the table, pending the appointment of the committees.

On motion of Mr. Smith of Manchester, the convention went into Committee of the Whole to take into consideration the subject matter embraced in the letter received from the Woman's Christian Temperance Union.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Smith of Manchester in the chair.)

The chair stated that the communication of Mrs. J. I. Carpenter, in behalf of the Woman's Christian Temperance Union, was before the committee for consideration.

The committee was addressed by Mrs. H. M. Knox of Manchester, Mrs. McIntire of Exeter, and Mrs. Richardson of Amherst.

Mrs. Knox presented and read the following petition :

We, members of the executive committee representing the Woman's Christian Temperance Union of New Hampshire, most respectfully present the very great evils arising from the traffic and use of alcoholic and intoxicating drinks; that by the nearly unanimous agreement of all those who have given attention to these very great evils, and are seriously in earnest to alleviate them, no method has yet been devised so nearly able to cope with them as the entire prohibition of the traffic in such beverages and the transport of the same through the State; that to prevent agitation of the subject at every election, and because we believe it is the right thing to do, we deem it most desirable that such prohibition should be by constitutional enactment.

We, therefore, respectfully pray your honorable body to pre-

sent to the people of this State, to be adopted by them, an amendment to the Constitution prohibiting the manufacture or sale within this State of any liquor containing alcohol in any proportion, except the sale of approved liquors by agents duly appointed in behalf of respective towns for medicinal and mechanical purposes only, and the transportation within this State of any such liquors except to and from such agents.

We respectfully ask your body to submit the following to the people: That the manufacture, or sale, or keeping for sale, of any alcoholic or intoxicating liquors, whether brewed, fermented, or distilled, or any components thereof, or any compound of which such liquors constitute a part, to be used as a beverage, be prohibited within this commonwealth, but the manufacture and sale of such liquors, or compounds thereof, for the purposes other than a beverage shall be regulated by law. The general assembly, after the adoption of this article by the qualified electors of the commonwealth, shall without delay enforce its provisions by adequate penalties.

On motion of Mr. Ladd of Lancaster, the committee arose.

#### IN CONVENTION.

(The president in the chair.)

Mr. Smith of Manchester, chairman, reported that the Committee of the Whole had had under consideration the subject matter embraced in the communication of the Woman's Christian Temperance Union, and reported progress.

On motion of Mr. Smith of Manchester, the convention resolved itself into a Committee of the Whole for the consideration of the resolution providing for the election of civil officers by a plurality vote.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Briggs of Manchester in the chair.)

The resolution being read and question stated, Mr. Lyman of Exeter submitted the following resolution, which the chair stated would be treated as a substitute for the pending resolution :

*Resolved*, That the Constitution be so amended that any or all officers elected by the people may be elected by a plurality of votes whenever the Legislature shall pass a law to that effect.

Mr. Ladd of Lancaster: I have nothing to say at this time with respect to either of these propositions, for the reason that I for one have not sufficiently considered them to make an intelligent choice between the two. I should be glad of a little more time for the consideration of the propositions, especially the one presented by the gentleman from Exeter (Mr. Lyman). I can see that that proposition would leave the Constitution in a homogeneous form, so to speak; it would leave the whole matter to be disposed of by the Legislature. As the Constitution now stands, a portion of the civil officers of the State, — governor, councilors, and senators, — must be elected by a majority vote. As to all other civil officers, as I understand it, the Constitution is silent; it is left to be determined and fixed by the Legislature, and the Legislature has not adopted a uniform rule. As I remember the statutes on the subject, quite a proportion of the town officers, perhaps all except the moderator, must be elected by a majority vote; and that is fixed by a statute passed by the Legislature. The other officers — moderator of town meetings and county officers, — as I understand, are elected by a plurality vote; and that has all been arranged by statute, the Legislature exercising the power to arrange the mode as the people may desire.

It seems to me that considerable might be said in favor of adopting the same rule as to all civil officers — governor, councilors, and senators — as well as municipal officers, leaving to be fixed and determined by the Legislature, as may be found upon experiment to be most convenient, the arrangement of the details in carrying on the scheme of government established by the Constitution. Of course we understand that the Constitution is very general in its terms, as it ought to be. In the first place, it establishes certain private rights of the citizens of the State in the Bill of Rights; and then it provides in very general terms, as I think it ought, for a scheme of government; and it goes very little into detail. This provision that the governor, councilors, and senators shall be elected by a majority vote, is one



of the few details that is fixed by the Constitution. Now, whether we had better seek uniformity in one direction or the other is a matter as to which I for one desire more time for consideration. It would make uniformity if the Constitution should provide that all civil officers in the State must be elected by a plurality vote. It would make uniformity, on the other hand, to strike all provisions on the subject out of the Constitution, leaving the whole matter within the range of legislative power. I for one am not prepared to vote upon the question at the present moment ; at any rate, I should prefer a little more time for consideration. Of course we should all be aided by discussion, and I have no doubt we should all be glad to hear from those gentlemen who have considered both views of the matter.

Mr. Lyman of Exeter : I do not wish to occupy the time of the committee. I am very much in the condition of my friend from Lancaster (Mr. Ladd) in relation to this subject. It is a pretty important matter. I offered this resolution because I wanted time to consider the subject myself and because I wished that this able body should consider the matter. My own impressions are, on general principles, that the details had better be left to the Legislature. If this proposition should be adopted by this convention and approved by the people, the Legislature could enact that all these officers should be elected by a plurality, and if it did not work well they could repeal the law and come back to the majority system. Or, if they found that the arrangement as it is now was working well, they might leave well enough alone and let it remain as it is. The proposition simply leaves the matter to the representatives of the people in Legislature assembled, untrammelled by any provision of the Constitution.

Mr. Ladd : I am constrained to move, for the reasons I have already suggested, that if nothing more is to be said in committee at this time upon this proposition, the committee rise, report progress, and ask leave to sit again.

The question being stated, the motion was adopted.



IN CONVENTION.

(The president having resumed the chair.)

Mr. Briggs, chairman for the Committee of the Whole, stated that the committee had had under consideration the resolution providing for the election of civil officers by a plurality vote, reported progress, and asked leave to sit again.

Leave was granted.

Mr. Gilmore of Manchester: In behalf of a friend I ask the indulgence of this convention. Mr. Manning, a delegate from Manchester, is somewhat deaf. I understand there is no objection to his having a chair back of the stenographer, and I move that he have leave to occupy a chair at that place.

The question being stated, the motion prevailed.

On motion of Mr. Woolson of Lisbon, the convention adjourned.

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MONDAY, JANUARY 7, 1889.

The convention met according to adjournment.

(The president in the chair.)

Prayer was offered by Rev. Wesley J. Wilkins of Moultonborough.

The journal was read and approved.

The president announced the following standing committees:

STANDING COMMITTEES.

ON BILL OF RIGHTS AND EXECUTIVE DEPARTMENT.

Messrs.

Smith of Manchester,  
Pillsbury of Derry,

Messrs.

Hayes of Milton,  
Little of Pembroke,

Messrs.

Drake of Gilford,  
Wilkins of Moultonborough,  
Bemis of Marlborough,  
Richards of Newport,  
Ruggles of Hanover,  
Armington of Whitefield,  
Cone of Nashua,  
Todd of Atkinson,

Messrs.

Farrington of Rochester,  
Shepard of New London,  
Nutter of Barnstead,  
Pitman of Bartlett,  
Rowell of Keene,  
Spaulding of Washington,  
Smith of Haverhill,  
Smith of Lancaster.

ON LEGISLATIVE DEPARTMENT.

Messrs.

Briggs of Manchester,  
Lyman of Exeter,  
Young of Madbury,  
Walker of Concord,  
Melcher of Laconia,  
Colman of Brookfield,  
Amidon of Hinsdale,  
Sisson of Cornish,  
Woolson of Lisbon,  
Schoppe of Pittsburg,

Messrs.

Child of Temple,  
Jones of Portsmouth,  
DeMerritt of Durham,  
Blodgett of Franklin,  
Sanborn of Sanbornton,  
Nash of Conway,  
Willis of Swanzey,  
Morrill of Grantham,  
Weeks of Canaan,  
Garland of Jefferson.

ON JUDICIAL DEPARTMENT.

Messrs.

Hibbard of Laconia,  
Page of Portsmouth,  
McMahan of Dover,  
Collins of Manchester,  
George of Pittsfield,  
Pitman of Conway,  
Randall of Chesterfield,  
Stowell of Claremont,  
Rounsevel of Littleton,  
Cummings of Colebrook,

Messrs.

Edgerly of Gilmanton,  
Cochran of Windham,  
Knapp of Somersworth,  
Davis of Amherst,  
Young of Northfield,  
Libbey of Wolfeborough,  
Hersey of Keene,  
Smith of Sunapee,  
Roby of Bristol,  
Collins of Milan.

52 JOURNAL OF THE CONSTITUTIONAL CONVENTION.

ON FUTURE MODE OF AMENDING THE CONSTITUTION, AND OTHER  
PROPOSED AMENDMENTS.

Messrs.

Ladd of Lancaster,  
Hatch of Greenland,  
Fernald of Farmington,  
Brown of Nashua,  
Sulloway of Franklin,  
Pillsbury of Tilton,  
Sanborn of Wakefield,  
Williams of Walpole,  
Marshall of Unity,  
Smith of Plymouth,

Messrs.

Gove of Whitefield,  
Paul of South Newmarket,  
Wells of Somersworth,  
Cross of Manchester,  
Kimball of Concord,  
Thompson of Belmont,  
Barker of Effingham,  
Abbott of Winchester,  
Colby of Claremont,  
Lang of Orford.

ON TIME AND MODE OF SUBMITTING TO THE PEOPLE THE AMEND-  
MENTS AGREED TO BY THE CONVENTION.

Messrs.

Dole of Lebanon,  
Dudley of Brentwood,  
Porter of Dover,  
Wallace of Milford,  
Davis of Warner,  
Bennett of Alton,  
Wiggin of Tamworth,  
Blake of Fitzwilliam,  
Barton of Newport,  
Cole of Berlin,

Messrs.

Currier of Wentworth,  
Bartlett of Raymond,  
Felker of Rochester,  
Smith of Mont Vernon,  
Sullivan of Allenstown,  
Webster of Meredith,  
Bennett of Tuftonborough,  
Fletcher of Marlow,  
Davis of Acworth,  
Sawyer of Columbia.

The president appointed the following Committee on Mileage :

COMMITTEE ON MILEAGE.

Messrs.

Bickford of Manchester,  
Brown of Exeter,  
Berry of New Durham,  
Davis of Hopkinton,  
Smith of New Hampton,  
Davis of Ossipee,

Messrs.

Green of Stoddard and  
Nelson,  
Duncan of Plainfield,  
Noyes of Bethlehem,  
Farnham of Stewartstown.

Mr. Todd of Atkinson: I have an amendment to offer in regard to filling vacancies in the Senate. I did not know at the time I prepared it that there had been any amendment proposed in regard to the subject; but as I think it is a little more comprehensive, I venture to submit it:

*Resolved*, That the Constitution of New Hampshire be so amended that all vacancies in the Senate arising from failure to elect, death, removal out of the State, or otherwise, shall be filled by a new election by the people by requisition of the governor as soon as may be after such vacancy shall happen.

The resolution was referred to the Committee on Legislative Department.

Mr. Sisson of Cornish offered the following resolution, which was referred to the same committee:

*Resolved*, That article 26 of the Constitution be amended by striking out the words "by the proportion of direct taxes paid by the said districts," and inserting therefor the words "by the legal voters in said district."

Mr. Thompson of Belmont offered the following resolution:

*Resolved*, That article 99, part second of the Constitution of New Hampshire, relating to the method of future revisions of the Constitution, be amended as follows:

Strike out the words "and proportioned as the representatives to the General Court" before the word "provided," and insert the words "as members of the State Senate, and each senatorial district shall be entitled to elect two delegates," so that the section as amended shall read as follows:

"ARTICLE 99. It shall be the duty of the selectmen and assessors of the several towns and places in this State, in warning the first annual meetings for the choice of senators, after the expiration of seven years from the adoption of this Constitution as amended, to insert expressly in the warrant this purpose among the others for the meeting, to wit, — to take the sense of the qualified voters on the subject of a revision of the Constitution; and the meeting being warned accordingly, and not otherwise,



the moderator shall take the sense of the qualified voters present as to the necessity for a revision ; and a return of the number of votes for and against such necessity shall be made by the clerk, sealed up, and directed to the General Court at their then next session ; and if it shall appear to the General Court by such return that the sense of the people of the State has been taken, and that, in the opinion of the majority of the qualified voters in the State, present and voting at said meetings, there is a necessity for a revision of the Constitution, it shall be the duty of the General Court to call a convention for that purpose ; otherwise, the General Court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned, the delegates to be chosen in the same manner as members of the State Senate, and each senatorial district shall be entitled to elect two delegates ; *provided*, that no alterations shall be made in this Constitution before the same shall be laid before the towns and unincorporated places, and approved by two thirds of the qualified voters present and voting on the subject."

The resolution was referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

Mr. Farnham of Stewartstown offered the following resolution :

*Resolved*, That part second, article 9, of the Constitution be so amended that the mean increasing number of inhabitants necessary to entitle towns and wards in cities to elect more than one representative be eighteen hundred instead of twelve hundred.

The resolution was referred to the Committee on Legislative Department.

On motion of Mr. Danforth of Concord, the resolution offered by Mr. Cate of Henniker, relative to fixing the salaries of members of the General Court, was taken from the table and considered.

Mr. Davis of Bow offered the following amendment to the resolution :

Amend by striking out the words "three hundred," and



inserting in place thereof the words "one hundred and seventy-five."

The question being stated, on motion of Mr. Danforth of Concord the resolution was referred to the Committee on Legislative Department.

The president laid before the convention the following communication from the secretary of the Woman's Christian Temperance Union :

CONCORD, January 4, 1889.

*To the Honorable Constitutional Convention :*

At the close of the hearing this afternoon the representatives of the Woman's Christian Temperance Union halted in the rotunda and passed the following resolution :

*Resolved,* That the thanks of the representatives of the New Hampshire Woman's Christian Temperance Union are hereby tendered to the honorable constitutional convention for the very courteous reception granted them this afternoon.

CLARA E. ROWELL,  
*Recording Secretary.*

On motion of Mr. Barton of Newport, all resolutions on the table were taken therefrom and referred as follows :

To the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments :

The resolution relating to the qualifications of voters, introduced by Mr. Cross of Manchester.

To the same committee :

The resolution relating to the qualification of voters, introduced by Mr. Davis of Hopkinton.

To the Committee on Legislative Department :

The resolution presented by Mr. Davis of Hopkinton, relating to the method of filling vacancies in the Senate.

To the Committee on Bill of Rights and Executive Department :

The resolution of Mr. Lyman of Exeter, relating to the establishment of the office of lieutenant-governor.

The resolution introduced by Mr. Blake of Fitzwilliam in regard to changing the time of assembling of the General Court was taken from the table and considered.

The question being stated, the resolution was adopted and referred to the Committee on Legislative Department.

Mr. Smith of Manchester : I think the resolution needs some additional provisions before it goes to the committee ; and if the vote just passed can be recalled I will be prepared in the morning to offer by way of amendment such additional provisions as occur to me.

On motion of Mr. Todd of Atkinson, the reference to the Committee on Legislative Department was reconsidered and the resolution was laid upon the table.

Mr. Hibbard of Laconia : I fear that not only will there be no discussion and no progress made in the debate of any question to-day, but very little to-morrow, unless something can be done to forward the presentation of questions and have them in order for discussion in the convention. The plurality resolution is before the convention, and is to be referred, I suppose, to the Committee of the Whole again, and that may give rise to some discussion. I hope that it may be understood that everybody who wants to speak upon that resolution will be prepared to-morrow morning, and that question at least may be disposed of. What other question can be ready for discussion under the mode of procedure which has been adopted by the convention I do not know. The mode of procedure, in my judgment, is an erroneous one ; but it has been adopted, and everything that is now before the convention, except the plurality resolution, is tied up in the committees ; and it certainly cannot be expected that there will be any reports ready to-morrow morning, although it

may be that when the trains come in in the evening there will be a sufficient number of members of the committees present so that there can be some meetings of committees this evening and some resolutions reported. I hope, at least, that it may be understood that the plurality resolution will be ready for debate to-morrow morning, and that everybody who has anything to say about it will be prepared, so that the matter will not have to be delayed any longer. And I think all of us had better do everything that lies in our power to see that we are not obliged to remain here with no business ripe for discussion. I make the motion that the resolution providing for the election of civil officers by a plurality vote be made the special order for Tuesday morning, after the disposal of business under the general order.

The motion prevailed.

Mr. Walker of Concord offered the following resolution :

*Resolved*, That article 24 of part second of the Constitution of this State be amended by striking out the words "any one member," and inserting instead thereof the words "any four members in the Senate, or thirty members in the House," so that the article thus amended may read :

"ARTICLE 24. The journals of the proceedings and all public acts of both houses of the Legislature shall be printed and published immediately after every adjournment or prorogation, and upon motion made by any four members in the Senate or thirty members in the House, the yeas and nays upon any question shall be entered on the journal, and any member of the Senate or House of Representatives shall have a right, on motion made at the same time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal."

On motion of the same gentleman, the resolution was referred to Committee on Legislative Department.

On motion of Mr. Woodman of Concord, the convention adjourned.

TUESDAY, JANUARY 8, 1889.

The convention met according to adjournment.

(The president in the chair.)

Prayer was offered by the chaplain.

The journal of Monday was read and approved.

RESOLUTIONS INTRODUCED AND REFERRED.

By Mr. Durgin of Concord, —

*Resolved*, That article 3 of part second be amended by striking out the word “biennially” and inserting in its place the word “annually,” and also in all sections relating to the meetings of the General Court.

Referred to the Committee on Bill of Rights and Executive Department.

By Mr. Hadley of Concord, —

*Resolved*, That the Constitution be amended by substituting for articles 98, 99, 100, the following: “Any amendment or amendments to this Constitution may be proposed in the General Court, and if the same shall be agreed to by a majority of the members elected to the Senate and House of Representatives, such proposed amendment or amendments shall then be entered on the journals of the two houses, with the yeas and nays taken thereon, and shall be referred to the Legislature then next chosen, and shall be duly published; and if, in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, and the same be recorded on their journals, with the yeas and nays taken thereon, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, and if two thirds of the qualified voters of this State present and voting thereon at meetings legally warned and held for that purpose, shall approve and ratify the same, then such amendment or amendments shall become a part of this Constitution.”



On motion of the same gentleman, the resolution was laid on the table to be considered in Committee of the Whole.

By Mr. Davis of Warner, —

*Resolved*, That the Constitution be amended as follows : Amendments to the Constitution may be submitted to the people by the General Court, or any specific and particular amendment or amendments to the Constitution be proposed in the General Court and agreed to by two thirds of the members of each house present and voting thereon. Such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and shall be published with the laws passed at the same session ; and it shall be the duty of the General Court to submit such proposed amendment or amendments to the people at the next succeeding biennial election, and if they shall be approved and ratified by two thirds of the qualified voters voting therein, they shall become part of the Constitution of this State.

On motion of Mr. Durgin of Concord, the resolution was laid on the table to be considered in Committee of the Whole.

By Mr. Felker of Rochester, —

*Resolved*, By this convention, that article 6 of the Bill of Rights be stricken out.

Referred to the Committee on Bill of Rights and Executive Department.

By Mr. Pitman of Conway, —

*Resolved*, That the Constitution be amended by adding at the end of article 73 the following words : “but in no case shall such removal be for political reasons,” so that the provision in said article will read as follows : “ *Provided, nevertheless*, the governor, with the consent of the council, may remove them upon the address of both houses of the Legislature, but in no case shall such removal be for political reasons.”

The resolution was referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

By Mr. Smith of Manchester, —

*Resolved*, That article 10, part second, of the Constitution, be amended as follows :

Strike out the following words : “ And, in every such class, the first meeting shall be held in the town, place, or ward wherein most of the inhabitants reside, and afterwards in that which has the next highest number, and so on biennially in rotation through the several towns, places, and wards forming the district,” and in place thereof insert the following : “ And in every such class, the qualified voters shall biennially, in the month of November, within the towns, places, or wards where they respectively dwell, give in their votes for a representative. The manner of calling and conducting the meetings for the choice of representatives by such classes, and of ascertaining their election, shall be prescribed by law.”

On motion of Mr. Hibbard of Laconia, the resolution was referred to the Committee of the Whole.

Mr. Hibbard of Laconia : Why might not that resolution be laid on the table and referred to the Committee of the Whole with the resolutions previously introduced by the gentleman from Manchester on the subject of plurality elections? I understood — perhaps I misunderstood — that the resolution was a provision for the election of representatives by plurality.

The President : In classed towns and places, if I remember.

Mr. Smith of Manchester : I have not the slightest objection to this resolution being considered in the Committee of the Whole. It has nothing whatever to do with the previous resolution to which the gentleman from Laconia (Mr. Hibbard) refers. It simply provides that the inhabitants of classed towns may vote in their own towns instead of being obliged to travel ten, twenty, or forty miles to vote in another town. It does not touch the subject of plurality election.

Mr. Hibbard : My understanding was that the gentleman intended that this amendment should be adopted if his resolution relating to plurality election should be adopted, and not other-

wise. I therefore move that the vote whereby the resolution was referred to the Committee of the Whole be reconsidered.

The motion prevailed.

On motion of the same gentleman, the resolution was referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

By Mr. Whittier of Rochester, —

*Resolved*, That the Constitution of New Hampshire be so amended that the General Court may by special act divide towns containing more than three thousand inhabitants into voting precincts, and make necessary provision for the sorting, counting, and return of the ballots so cast.

The resolution was referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

#### PETITIONS PRESENTED AND REFERRED.

The following petitions, asking for an amendment to the Constitution enlarging the jurisdiction of justices of the peace, were presented and referred to the Committee on Judicial Department :

By Mr. Smith of Plymouth, petition of W. W. Russell and fifty-nine others, citizens of Plymouth.

By Mr. Craig of Rumney, petition of Lyman Merrill and thirty-five others, citizens of Warren.

By Mr. Currier of Wentworth, petition of Samuel G. Currier and eighteen others, citizens of Wentworth.

On motion of Mr. Danforth of Concord, the resolution offered by Mr. Felker of Rochester, proposing to strike the word "Protestant" from the Bill of Rights, was taken from the table and referred to the Committee on Bill of Rights and Executive Department.

Mr. Felker of Rochester presented the following resolution :

*Resolved*, That the Constitution be amended so that justices of police courts shall be appointed by the Governor and Council for a term of five years instead of for life.

Referred to the Committee on Judicial Department.

Mr. Abbott of Winchester offered the following resolution :

*Resolved*, That all amendments to the Constitution before being acted upon shall be printed and laid upon the desks of the members of the convention.

Mr. Abbott : It is not possible for the members in the back part of the hall to understand the motions and amendments as read from the desk. We cannot act understandingly unless they are printed and distributed. I believe we would get along faster by so doing.

Mr. Ladd of Lancaster : That resolution might have the effect to delay matters that have already been referred to committees. The resolution says "all amendments." I do not know whether it is intended that every amendment that is proposed here shall be printed before any further action is taken, or exactly what the scope of the resolution may be. I would move, however, to amend the resolution so that it will not apply to matters that have already been referred to the committees. Perhaps it had better be so amended as not to apply to matters that have been already proposed in the convention.

Mr. Lyman of Exeter : It appears to me that there are two difficulties here. One is that the gentlemen sitting in the back part of the hall cannot hear all that is said nor understand the proceedings on account of not hearing, and it would be very proper, of course, to have these resolutions printed and laid before them. The other difficulty is that such a course would delay us a good deal. Now, perhaps we had better suffer delay than compel men to vote upon what they do not understand. How would it do, I ask my friend from Winchester (Mr. Abbott), to have all the proposed amendments printed and laid upon the desks as soon as may be, without prohibiting ourselves absolutely from acting upon any of them before they have been



thus printed and laid upon the desks? There may be a case where we might want to act upon one before the printers had prepared it. I simply want to get out of the difficulty and accommodate everybody if possible.

Mr. Ladd : It strikes me that the suggestion of the gentleman from Exeter is better than the suggestion contained in my motion, and I withdraw my proposed amendment if there is no objection.

The President : The amendment proposed by the gentleman from Lancaster (Mr. Ladd) is withdrawn.

Mr. Lyman moved to amend as follows :

Strike out the words "before being acted upon," and insert instead the words "as soon as may be."

The question being stated, Mr. Manahan of Hillsborough moved to amend as follows : That it apply only to such proposed amendments as are reported back favorably from the committees to which they are referred, or from the Committee of the Whole.

The question recurred upon the amendment proposed by Mr. Lyman of Exeter.

The question being stated, Mr. Hatch of Greenland moved to lay the resolution on the table.

The motion was rejected.

Mr. Page of Portsmouth moved as a substitute that copies of the Manchester "Daily Union" and of the Concord "Monitor" be taken for the use of the members.

The President : The substitute proposed is hardly germane.

Mr. Lyman of Exeter : I suppose all members of the convention want to get a clear understanding of the measures that are proposed. It appears to me that if the amendment of the gentleman from Hillsborough prevails, proceedings will be delayed. Some gentlemen may want to vote for the original resolution and not for the report of the committee. The majority of the dele-

gates are not upon committees and they want the privilege of examining these matters, as well as those gentlemen who happen to be so placed ; therefore I hope that the amendment will not prevail.

The question being stated, the amendment proposed by Mr. Manahan was rejected.

The question recurred upon the amendment proposed by Mr. Lyman of Exeter.

The question being stated, the amendment was adopted and the resolution passed.

On motion of Mr. Baker of Lebanon, the following resolution was adopted :

*Resolved*, That the president be authorized to appoint a committee of ten, one from each county, on finance, to approve the accounts of the officers of the convention for their compensation.

Mr. Davis of Hopkinton : I am reminded that we have probably made a mistake in rejecting the motion of the gentleman from Laconia (Mr. Hibbard) to order three hundred and fifty copies each of the "Monitor" and "Patriot." As the resolution was laid on the table on my motion, I now move that it be taken from the table and considered.

The question being stated, a division was called for with the following result :

Thirty-nine having voted in the affirmative and ninety-seven in the negative, the motion did not prevail.

On motion of Mr. Buxton of Boscawen, the following resolution was adopted :

*Resolved*, That committee rooms be assigned as follows :

To Committee on Bill of Rights and Executive Department, room of sergeant-at-arms.

To Committee on Legislative Department, hall of House.

To Committee on Judicial Department, room No. 1.

To Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, senate chamber.

To Committee on Time and Mode of submitting to the People the Amendments agreed to by the Convention, room No. 2.

On motion of Mr. Cate of Henniker, the resolution offered by him fixing the salary of members of the Legislature, and all pending resolutions relating to the subject matter, was made a special order for consideration at half-past two in the afternoon.

On motion of Mr. Davis of Hopkinton, the resolution introduced by Mr. Durgin of Concord, with reference to providing for annual sessions of the Legislature, was assigned for the consideration of the Committee of the Whole at the same hour.

The President: By vote of the convention yesterday the subject of election by plurality vote, the resolution introduced by the gentleman from Manchester (Mr. Smith), was made the special order for consideration by the Committee of the Whole this morning immediately after the routine business was completed; and that hour has now arrived. I wait a motion that the convention resolve itself into a Committee of the Whole for that purpose.

On motion of Mr. Lyman of Exeter, the convention resolved itself into a Committee of the Whole for the consideration of the proposed amendment providing for the election of civil officers by a plurality vote.

IN COMMITTEE OF THE WHOLE.

(Mr. Hibbard of Laconia in the chair.)

The resolution providing for the election of civil officers by a plurality vote under consideration.

Mr. Lyman of Exeter: I believe that the question is upon the adoption of the substitute offered by myself.

The Chairman: There is pending before the committee a proposition to amend the pending resolution by substituting the fol-

lowing resolution offered by the gentleman from Exeter (Mr. Lyman) :

“ *Resolved*, That the Constitution be so amended that any or all officers elected by the people may be elected by a plurality of votes whenever the Legislature shall pass a law to that effect.”

The question is upon the proposed substitute in the nature of an amendment. Is the committee ready for the question ?

Mr. Lyman of Exeter : This is a question upon which we are all interested, and a question which should be duly considered. If the amendment offered by myself be adopted it will be in accordance with the Constitution as it now stands in relation to the election of county treasurer, register of probate, solicitor, sheriff, and register of deeds, and the provision is this : “ *Provided, nevertheless*, the Legislature shall have authority to alter the manner of certifying the vote and the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them.”

It is well known that the Legislature represents the people of New Hampshire, in theory at least, and I have no doubt but generally in practice. Now if we are to change this in the least, or to permit it to be changed, my impressions are that it would be better to leave it to the Legislature. I am not afraid to trust that body. I do not think the citizens of New Hampshire are afraid to trust it. When you put this into the Constitution you have got to abide by it whether it works well or ill, unless another convention is called or the Constitution is in some way amended. If you leave it to the legislators to act at their discretion, they can provide that all or a part of these officers may be elected by a plurality ; and if at any time it is discovered that the scheme does not work well, then they can repeal the law, having no constitutional provision to prevent them. We have noticed that in various respects the people have actually annulled certain provisions of the Constitution because they were not consistent with their convictions. We have seen members of the Catholic church sit here year after year, notwithstanding the prohibition in the Constitution. We have seen men elected to office and discharge the duties acceptably to all who had not the property qualification, although that property qualification was in the



Constitution. Now my impressions are that we had better not go too far. We had better consider that we do not possess all the wisdom of the world or more wisdom than the future legislators of New Hampshire may possess. If we make any amendment let us leave it to the Legislature to say whether these officials shall be elected by a plurality or by a majority, as in their wisdom they shall think proper.

Mr. Bennett of Alton : I supposed that we came here for the purpose of amending the Constitution as we thought proper ; I supposed that these amendments were to be submitted to the people. I see no reason why this body of men does not contain as able and intellectual minds as any future Legislature may contain. I do not see the propriety of leaving to future Legislatures what we ought to decide ourselves, and what the people may adopt if they see fit. It seems to me that it is very improper for this convention to raise the question of the propriety of submitting one matter or another matter to future Legislatures.

Mr. Manahan of Hillsborough : Until the present time it has not been my purpose to say a word upon this subject, and now I shall ask the attention of the convention only for a single moment. What I say will apply as well to the resolution introduced by the gentleman from Exeter (Mr. Lyman) as to the original resolution, both of which relate to the manner of determining the election of certain officers. While under one resolution the change from the present system of election is made positive, under the other resolution the change is made merely possible. I have listened with pleasure to the remarks of the gentleman who proposed this amendment and others who have advocated it, and while I admit the plausibility of the proposition and the fairness of the argument, yet I am opposed to it. I fail to see evils of such magnitude existing that are to be overcome or remedied, or inconvenience that is suffered by our people so great that demands so important and radical a change in the fundamental law of our State, or any benefits that are to be derived to warrant us in departing from the method of determining the election of officers that was handed down to us by the framers of the Constitution, of whom it has been truly said, " If they did

not build better than they knew, they certainly did build wisely and well." In a State like ours, where political sentiment is so evenly divided and party lines so closely drawn, our elections are accompanied by bitter local contests, and the struggle to gain supremacy or retain the mastery is surrounded by much that is pernicious and demoralizing. I seriously question in my own mind, if we make this change, whether it will not multiply these contested election cases, increase the bitterness of our local contests, and instead of closing the door throw it wider open and furnish additional incentives and more opportunities for the practice of those methods which are so pernicious and baneful in themselves and so demoralizing to communities. Experience and the light of history teach us that in all the great political contests of the nation the close States are the battle-grounds, and it is there that the fight wages the most furiously and the most bitterly. Our experience in our own State is, that the close towns are the sections where the contest is marked by the most acrimony and the most bitterness, and where those methods are employed that are the least honorable. I believe it is our duty, if we legislate at all, or propose any amendment, to have it in the line to soften the bitterness of our political contests and decrease the opportunities for the practice of dishonorable methods. The president of our convention said in opening it that the amendments to the Constitution which the people desire to act upon can be counted upon the fingers of a single hand; and it might just as truly be said that the nature of those amendments is so generally well understood by the members of this convention that he who runs may read and that none need err therein. If we load down these amendments by others, although they may seem wise in themselves, for which the people are not prepared, we may add the very straw that shall serve to defeat the purposes for which this convention was called and render more doubtful and uncertain the adoption of those which are remedies for existing evils. It is truly said that the framers of our Constitution handed down to us their acts like the Acts of the first apostles, and yet their resolutions have never reached us. What I believe the people of New Hampshire need, is fewer resolutions, more action, more business and enterprise tending to a grander pros-

perity, and less of legislative action, less politics, and less tinkering with the Constitution of the State.

Mr. Durgin of Concord : I heartily concur in the main with the gentleman (Mr. Manahan) who has just taken his seat. I think the majority principle is the true one for a republic, that the people should rule ; and when we say the people we do not mean a large faction of the people, but a majority of the people. This was the principle of the fathers, and was acted upon in this government down until about the year 1850. My recollection goes back very plainly to the time when the great struggle on the question of human freedom came up in this land, and a party of conscience came before the people desiring to be heard. It was the desire and purpose of the great dominant parties at that time to crush out the principles of the new party, and, although they could not do it and did not do it, they did their best to do it. Failing in doing it, the theory of plurality rule was advanced. I distinctly recollect when, in the State of Massachusetts, which was referred to by the gentleman introducing the first resolution here, there was a general breaking up of old party lines. The Free Soil party, under the leadership of Charles Sumner and Henry Wilson, succeeded in so reducing the vote of the heretofore dominant party that very often there was no choice in the congressional elections from 1844 to 1852, when there was no choice in nine districts out of twelve in the State, and Hon. George S. Boutwell defeated the venerable Robert C. Winthrop as governor of Massachusetts in 1851, followed by the election of Charles Sumner to the United States Senate. All these things were very vexatious to the old ruling parties, and consequently this principle was introduced to overcome the difficulty. But I tell you, gentlemen, that the people love this majority principle, and I believe it is the only country in the world where the majority does not prevail where the people have an opportunity to vote. France, with all its republican and communistic spirit, retains this majority principle to-day, and if a man is not able to bring his influence to bear upon the people so as to get a majority, the question is tried over and over again until an election is obtained. In England there has never been any other principle adopted but the majority principle ; it exists there



to-day, as I understand. I believe it was a sorry day for this republic when we started out on the line of the plurality rule. The father of his country, George Washington, in his last address to the people warned them of factions which would arise and attempt to control the country. If we will turn our attention for one moment to the city of New York, — I do not speak of it in a political sense at all, but simply to illustrate the principle which I seek to establish, — a man to-day is mayor of the city of New York who does not represent more than one third of the people of that city, yet he has the patronage of \$50,000,000 at his back, it is said. Is that justice? Is that right that a third of the people, or a little more than that, should rule? The fathers of the country when they framed the Constitution had in view the promotion of justice. It seems to me that the principle of justice is better promoted when a majority of the people have the rule. For one, I certainly desire that this convention should vote down any such measure; and if it is adopted by the convention, I sincerely hope and trust that the people will put their foot upon it with contempt.

Mr. French of Nashua: We are not here to amend the Constitution, but we are here to vote to submit such things to the people of New Hampshire as we think or as we know from our experience and observation they wish to vote upon. That is my idea of our duty. Now the Legislature of New Hampshire in certain cases has provided for electing certain officers by plurality vote; but, notwithstanding the Legislature of New Hampshire has had the power for many years to provide for the election of representatives, — and I speak of this as being a parallel case to the matter of the election of senators, — I believe they have not provided yet for the election of representatives by a plurality vote; nor have they, unless I am mistaken, made such provision with reference to the election of the selectmen of towns. Now the Legislature represents probably the feeling of the people about as near as anything that we can get hold of. It represents what the people are thinking about and what is being agitated; and, since they have failed to see the importance of providing in the case of the election of representatives that it shall be by a plurality vote, I cannot believe that the people of this State



wish to vote upon that question. If either of the amendments suggested here is to be passed, I think it should be the one giving the discretion and power to the Legislature to provide that these officers may be elected by majority vote. But whatever may be my opinion as to the principle involved, — and I believe that the plurality principle may be the correct one, — I think there is one thing that we, as a convention, ought to steer clear of, and that is submitting any amendment to the people that will arouse partisan discussion, that will be treated as a party political question. The amendments to the Constitution I think will not be classed as Republican or Democratic measures, so far as I can judge of any that have been brought before us or any that are likely to be brought before us. Now since this matter of plurality vote has come up, I have found in talking with some of the politicians of the State that the query has invariably been, How will this affect this party or that party? And they look back and cite precedents as to how it would have affected this or that party in a given year. I think if we submit an amendment of this kind to the people it will lead to partisan discussion and that the question uppermost in the minds of the people will be, How will it affect the results with reference to the respective parties? I am very anxious that in none of these amendments there shall be anything that will raise that question, because I think it will imperil the success of such amendments as do not raise that question.

Mr. Barton of Newport: Will the convention indulge me in a single remark? What is the objection in leaving the election of governor and councilors as it has been for a hundred years? Has there been any trouble? Does the necessity of the case require any change? We have lived a hundred years under the Constitution as it now is. Have we not always elected our governor without trouble? Is not the mode of electing our officials acceptable to the people? When this convention was called how many people supposed this question was coming up? I do not believe the people demand it. I do not think there is any necessity for it. I hope the resolution as proposed by the gentleman from Manchester (Mr. Smith) and the amendment offered by the gentleman from Exeter (Mr. Lyman) will be voted down by this

convention. I do not propose to go into the results it would have upon parties in this State ; I have nothing to say about that. The question with me is, Is it required at our hands at this time ? If it is, let us act upon it ; if it is not, let us dismiss it.

Mr. McMahan of Dover : We should consider this question both as to its principle and as to its practical effect. It is good in principle, and in the earlier days of our history the majority system worked well ; but even before now the people of this State have thought best to make such changes in our laws that the plurality system might be tried, and the same is true of other States. It has been tried in the election of certain officers and has given good satisfaction. We have made satisfactory progress under the majority system ; but its usefulness is vanishing. It seems to me that it is not so well suited to our condition to-day as it was when first adopted. We have more offices to fill than in former years, and there seems to be considerable more contention in regard to the filling of them. I think by changing the present system in regard to the election of some officials, if not all, elections would be made more speedily and easily and many difficulties be avoided. Under the present system, in the case of failure to obtain a majority at the polls, it is not a majority which decides the election in the end. A majority of the Legislature does not change the vote of the people when they give a candidate only a plurality. Many cases have arisen lately where the majority rule proved of no value because there was no election by a majority of the people, and in effect the officers were elected by a plurality. To somewhat obviate contention and secure a better system, I think it would be well to make this change, even if it is not strictly in accordance with the theories of our forefathers. If it will facilitate speedy elections, with less contention than prevails under the system we have at the present time, I think the change should be made. We have tried the plurality system with good results, and I think there is reason for its continuance and extension. The plurality principle, so far as it has been adopted, must have been adopted for some reason, and that reason apparently was the fact that the majority system was troublesome, that some of its features were an annoyance to the people. I hope, for the benefit of the people of the State, that the present method of

election will continue no longer. The plurality system, in my opinion, will give better satisfaction.

Mr. Bell of Exeter : It was not my intention to say one word upon this subject, but there have occurred to my mind one or two considerations that perhaps may have a little weight with the gentlemen of the convention, as they certainly have with myself. One of them is this : I have never heard that there was any public or even private demand, before I came here, for election by plurality vote. My friend who sits near me says he heard the thing suggested once, but certainly there could have been no great desire for it. Now on general principles I think it is not wise for this convention to do anything for which there is no considerable call on the part of our constituents. We might go on amending to the day of doom, for aught I know, and perhaps in many cases make things a little better than they were before, but certainly we should not succeed in having our constituents ratify our doings if we did that. I am a gray-headed man and I have become conservative ; I think it is wiser not to go much beyond what is absolutely demanded by the people of the State.

Another consideration is this : I observe, rather to my surprise, no person on this floor who seems to be seriously in earnest in advocating this proposition of election by a plurality. The original mover thought it apparently a matter that ought to be considered, as it certainly should be ; but I did not observe that he advocated it with very much vehemence. I thought he rather threw it out as a proper subject for the consideration of the convention, but without strenuously urging it. And so the gentleman who moved this amendment apparently offered it because he thought it was not quite so objectionable as the original proposition. Now these considerations have strongly impressed my mind. It seems to me that if the original mover does not think the resolution to be absolutely necessary and the mover of the amendment does not consider it very important for our interests that the amendment should be adopted, we ought to inquire of ourselves, Is it worth while for us to send to the people such a proposition, and is there any great probability that the people would adopt it?



Mr. Thurston of Dover : Strange to say, I am not convinced by the arguments of the gentlemen who have stood up here and opposed this proposition. I am a believer in the policy of adopting the plurality rule in the election of the officers specified. You know we are getting very much mixed up in our politics. There are third parties, fourth parties, and I do not know how many more are likely to arise ; and it may come to this, that we shall delegate the power of electing our governors, councilors, and senators — and we are not far from it now — to the Legislature, because the people will not be able under the present system to elect them at all. And we know about these Legislatures — something about them ; many of us have been in them. We know how things are likely to go sometimes in the Legislature. I know of an instance when a senator died, his place was to be filled, and the Legislature selected to fill that place a man who had just a scattering vote, whom the people had not indicated that they wanted for a senator, — they had pretty clearly indicated that they did not want him. The Legislature took him ; I was here ; I voted for him because I did not want the other fellow ; and that was politics. Now we want to get as far as we can from any possibility of party politics coming in and taking the place of the choice and voice of the people. It seems to me that these gentlemen who have spoken about the possible peril of this measure have quite forgotten how many very important offices are filled in that way and we never have any trouble about it. How many States have that rule and they get along finely, never having any trouble. I have heard a great many people say, when we have failed to fill certain offices by the vote of the people owing to other parties that come up, — and the people have a right to form parties, — I have heard a great many people say that we ought to have the plurality rule. Perhaps these gentlemen have not heard people say anything about it, but I have. I have not heard people specify any desire to have this constitutional convention take any action upon it ; but at the time of the elections I have heard a great many say it. We have no trouble about our congressmen or our municipal officers ; everybody is satisfied ; the man who is wanted by more people than any other man gets there, and the people are satisfied. I



dislike to stand up here and antagonize the opinions of such gentlemen as these from Hillsborough, Exeter, Newport, and Concord, but I have my opinions about it and always have had ; they have not been changed here to-day. I hope this convention will give the people a chance to say whether they want to have these confusions, delays, disappointments, and uncertainties connected with our elections of these officers, or whether they want to have it settled so that when we have an election it will be by the people and not by somebody else whose action is uncertain. Now who is going to be our next governor? We can only guess at it. Who knows? We have had a chance to vote, but it still hangs in the wind.

Mr. French of Nashua: In looking over the minutes of the last convention I find that they started out with a great many resolutions with reference to the amendment of the Constitution, and that one of them now before this convention was rejected by the people. I will not say which one it is. This fact suggests an idea. The people have not taken this matter into consideration or discussed it ; they have not indicated that it is a grievance ; and what is the use of putting things before them to vote upon that they have not considered and discussed. We are not going to the people as in any political campaign to discuss such amendments as we may propose to them, and they will not have much opportunity for the consideration of the *pros* and *cons* of the different questions. These matters will come before the people without much of any discussion, except as there may be some in the newspapers. I wish to make more plain what I said before with reference to the House of Representatives. By the Constitution the Legislature is to determine how the House of Representatives shall be elected. That provision has been in the Constitution for years and years, yet the Legislature of New Hampshire has never seen fit to vote that the House of Representatives should be elected by a plurality vote. The members of the Legislature come from the people. They know what is discussed by the people, and they are practical men. We know to-day that this question of plurality rule did not occur to us until we were elected to this convention, and some of the newspapers of this State began to discuss it. Now what I say is, the

people have not through the Legislature indicated that they were opposed to the present mode of election ; that this matter will not come before the people in a way that it can be discussed upon its merits ; and, therefore, until they indicate by some discussion, by some expression of feeling, that they are in favor of this change, it is not best to submit it to them, because it will be rejected and will be so much lumber that will sink the rest.

Mr. Bartlett of Raymond : I beg leave to differ with some of the gentlemen who have made suggestions with reference to this matter. It seems to me that the great question for us to determine is not whether the people of New Hampshire have asked for this measure, but whether it will better the condition of the people of New Hampshire. Now, if ten men are voters in an election, and two of them vote for one man, three of them vote for another man, and five of them vote for a third man, that the union of the five men should predominate over the scattered forces of the other five men, and that, if the man who receives the five votes is declared elected to the office, whether it be to the office of governor of New Hampshire or only to some minor office lower down in the scale, we come nearer to the voice of the people than we do if one of the other men is in some way elected. It seems to me that when a thousand or more men, legal voters, have said they desire one man to fill a certain office, and those thousand men are a larger number than those who have said they desire another man to fill that office, the fair way is for the man who has received the larger number of votes to fill the office. I know of no way by which the voice of the people can be obtained so well as by having the man who receives the largest number of votes fill the office to which he is nominated. Now, as has already been said, very many conflicting questions arise after election, and men have taken the highest office in the will of the people who have never been elected to that office ; and when they have taken the executive chair, they must have felt as though it would be better for them to stand down and let some other man take it than to fill an office to which the people never elected them. I hope this question will be submitted to the people of New Hampshire, and let them determine whether they will have it or not.

The question being stated, upon the adoption of the substitute offered by Mr. Lyman of Exeter, it was rejected.

The question recurring upon the adoption of the proposed amendment offered by Mr. Smith of Manchester, it was adopted.

Upon this question, the yeas and nays were demanded by Mr. Danforth of Concord.

Pending the call of the roll, on motion of Mr. Davis of Hopkinton, ordered that the committee rise, report progress, and ask leave to sit again.

#### IN CONVENTION.

(The president having resumed the chair.)

Mr. Hibbard of Laconia, chairman, reported that the Committee of the Whole had had under consideration the proposed amendment to the Constitution providing for the election of civil officers by a plurality vote, had made progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Pitman of Conway, the convention adjourned.

#### AFTERNOON.

The convention met according to adjournment.

(The president in the chair.)

Mr. Wallace of Holderness presented the petition of Nathan B. Whitten and fourteen others, citizens of that town, asking for the submission of an amendment enlarging the jurisdiction of justices of the peace.

The petition was referred to the Committee on Judicial Department.

Mr. Durgin of Concord offered the following resolution :

*Resolved*, That the resolution offered by the gentleman from Henniker (Mr. Cate) be so amended that it will read : " That

members of the Legislature receive the sum of \$250 for the term of their election, and that their mileage be fixed at the actual expense to and from the capital once in each session."

On motion of the same gentleman, the resolution was laid upon the table to be considered in Committee of the Whole.

Mr. Dudley of Brentwood introduced the following resolution :

*Resolved*, That the Constitution be so amended that the salary of the speaker of the House and president of the Senate shall be double that of members.

On motion of the same gentleman, the resolution was laid on the table to be considered in Committee of the Whole, with others covering the same subject matter.

Mr. Kelley of Weare introduced the following resolution :

*Resolved*, That it is expedient to reduce the membership of the House of Representatives, and it is the sense of this convention that the number of representatives should not be less than one hundred and fifty nor more than two hundred.

The resolution was referred to the Committee on Legislative Department.

On motion of Mr. Todd of Atkinson, the convention went into Committee of the Whole for the consideration of resolutions relating to the salary of members of the Legislature.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Bartlett of Manchester in the chair.)

The chair stated that the resolution introduced by Mr. Cate of Henniker fixing the salary of members of the Legislature, and the several substitutes and amendments offered to the same, were before the committee for consideration in their order, beginning with that fixing the salary at the highest sum.

Mr. Davis of Bow : I offered this amendment to the resolution introduced by the gentleman from Henniker (Mr. Cate) because I believe three hundred dollars to be too large a sum to pay to



members of the Legislature. In my opinion the sessions of the Legislature should not continue longer than eight weeks. I think two months are ample for our law-makers to be in session. The resolution of the gentleman from Henniker points, in effect, to a term of one hundred days at the present rate of three dollars a day. I hear no gentleman complain now that the pay is too small ; on the contrary, I hear the mass of the people complain that the sessions of the Legislature are too long and too expensive. Adopt my amendment, thereby giving notice in advance to the members of the Legislature that they are expected to transact their business in two months and go home, and the taxpayers of the State of New Hampshire will bless us for making short sessions.

Mr. Felker of Rochester : I simply arise for information as to whether the question of having annual instead of biennial sessions was not also referred to this committee at this time, and, if so, whether it would not be better to settle that question first, and then we could tell better about the compensation.

The Chair : The chair is informed that that resolution is not pending before this committee.

Mr. Durgin of Concord : I understand that it was referred to this committee.

The Chair : The memorandum is that it was referred to the Committee on the Bill of Rights.

Mr. Durgin : Subsequently it was referred to this committee, to be taken up in connection with this matter of compensation.

The Chair : The chair has learned that the resolution is before the committee.

Mr. Durgin : Perhaps it would be proper that, having introduced this amendment, I should say a few words in support of it. It was very properly stated the other day when this question was up in regard to the meetings of the Legislature being changed from June to January, that in a very large proportion of the States of this Union the Legislatures hold annual meetings of the Legislature in January, and if the meetings of our Legislature

were at the same time we should be able to co-operate with them in cases of necessity. If we meet only once in two years there might occur the same reasons for calling an extra session of the Legislature as though we met in June, but if we have annual sessions we should be able to co-operate with all those States who meet in January in any way in which the national exigencies might require.

Another reason why I favor the change to annual sessions is because, as legislation has been conducted, a great many laws have been hastily carried through and we have done hurriedly often times what we have repented of at leisure. In my judgment, if we had annual sessions there would not be so much temptation for hasty legislation. Another thing to be considered is that a large majority of the Legislature at the present time is composed of new men who have had no particular experience in legislation. They come here and are practically in the hands of a few old heads who have run the machine for years, and they are not very useful aids in legislation. But if there were two sessions, any general legislation could be introduced at the first session and laid upon the table until the next session. In the mean time at their homes and with their constituents they could consult in regard to these measures and be able to come to a practical conclusion as to what is best, and our legislation would more truly and practically represent the people. If the salary is placed at the right figure two sessions will cost the State no more than one session practically, especially if it is as long as the last session, and not quite as much ; and my idea is that we shall get a great deal better legislation, a great deal more satisfactory to the people. One of the principal reasons for having so large a House is that it is educational in its character. If that is a valid reason for having a large House, the same reason applies with equal force in favor of having annual sessions of the Legislature, for thereby members would become much better acquainted with the methods of legislating than they are now.

Mr. Hibbard of Laconia : If I am correct, the question which the gentleman who last addressed us discussed is not properly before the Committee of the Whole. If I understood correctly what was done, the convention voted to refer the resolution

introduced by the gentleman from Concord (Mr. Durgin) to the Committee of the Whole ; it has not voted to go into Committee of the Whole upon that resolution, but upon an entirely different proposition. Now if, when the convention is in Committee of the Whole and takes up a certain proposition, some other matter that has been referred to Committee of the Whole can be brought forward and take possession of the committee and displace the pending question, it is different practice from what ought to prevail, as it seems to me. In order that we may understand whether that is the way our proceedings are to be, I will suggest that, if the chair thinks my view is correct, there be a motion made to rise, report progress, and let the convention return us into a Committee of the Whole upon the proposition of the gentleman from Concord. It seems to me that we ought not to have any such practice as taking one question from before the committee and proceeding upon another.

The Chair : It appears by the record that this committee was formed to consider the pending propositions relating to the compensation of members of the Legislature. The chair is of the opinion that no other question is in order except such propositions as relate to salaries and compensation.

Mr. Hibbard : In order to give the committee an opportunity to act first upon the question of biennial or annual sessions, without having any choice myself as to whether the motion is adopted or rejected, I will now move that the committee rise, having in mind that the question of biennial or annual sessions may be referred by the convention to the committee in the place of the question of salaries, if the convention wants to do it.

Mr. Davis of Hopkinton : I suppose no discussion is proper in regard to this matter.

The Chair : A motion to rise is debatable.

Mr. Davis : I simply want to make a statement in regard to the motion whereby this question was brought before the convention when it was voted to go into Committee of the Whole. I made the motion that this matter of the gentleman from Concord

(Mr. Durgin) be brought before the Committee of the Whole in order that it might be taken up and considered before the matter of compensation was entered upon, and it was so voted.

Mr. Todd of Atkinson : Why not discuss now the question of compensation, and having fixed that, let the Legislature determine for themselves whether they will sit once in two years or once every year, or once in six months, or the whole of the time if they please, only they can have just such compensation? It seems to me that we had better settle the compensation first, and then I think the other will settle itself when the Legislature meets.

On motion of Mr. Hibbard of Laconia, ordered that the committee rise, report progress, and ask leave to sit again.

#### IN CONVENTION.

(The president having resumed the chair.)

Mr. Bartlett, chairman, for the Committee of the Whole, reported that the committee had had under consideration the several resolutions relating to the salary of members of the Legislature without concluding the same, and asked leave to sit again.

On motion of Mr. Durgin of Concord, the convention resolved itself into Committee of the Whole to consider the resolution offered by him in relation to annual sessions of the Legislature.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Bartlett of Manchester in the chair.)

The resolution offered by Mr. Durgin of Concord, providing for annual sessions of the Legislature, was considered.

My Lyman of Exeter : I feel but little interest in this matter. If there is any necessity, the Legislature can be called together by the governor at any time. My impression is that if they meet once in two years the people will seldom want them to meet the next year. They can do so, provided they adjourn in season, upon the call of the governor. I think we may safely



leave it in the governor's hands to call a session if in his opinion it is necessary. I do not understand that there is anything in the Constitution to prevent their sitting every year.

Mr. Beckford of Laconia : I have been to the treasurer's office and have got from the books the difference in the cost of annual sessions and biennial sessions. The figures include all expenses. For the four biennial sessions of the Legislature the average to each session is \$97,866.56. The four annual sessions previous to the biennial sessions cost on an average \$72,993, or the four biennial sessions have cost the State \$391,466.24, while the four annual sessions cost \$291,972. It seems to me, in the face of these figures, that we should not go back to annual sessions.

Mr. Durgin : The gentleman (Mr. Beckford) has produced a formidable array of figures against this motion, but the convention will bear in mind that they are very soon to take up the subject of fixing the salaries of the members. There can be no difference in the expense, except the cost of travel to and from the homes of the members.

Mr. Lyman of Exeter : I would ask if it is in order to consider the question of salaries.

The Chair : Not in this committee. The subject cannot come before the committee except by action of the convention.

The question being stated,

Shall the resolution providing for annual sessions of the Legislature be adopted ?

It was decided in the negative, and the resolution was rejected.

On motion of Mr. Hibbard of Laconia, ordered that the committee arise and report progress.

#### IN CONVENTION.

(The president having resumed the chair.)

Mr. Bartlett, chairman, reported that the Committee of the Whole had had under consideration the proposed amendment

providing for annual sessions of the Legislature, and had rejected the same.

The report was accepted.

Mr. Cate of Henniker moved that the convention resolve itself into a Committee of the Whole for the consideration of the resolution offered by him fixing the salaries of members of the Legislature, and all other matters relating thereto.

The motion prevailed.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Bartlett of Manchester in the chair.)

The chair stated the pending question to be upon the proposition of Mr. Cate of Henniker to fix the salary of members of the Legislature at \$300.

The question being stated,

(Discussion ensued.)

Mr. Cate of Henniker: I propose to occupy the valuable time of this committee but a very few moments. I wish simply to express a few thoughts that occur to me, and leave the discussion of this resolution to more experienced and abler gentlemen. The question involved in this resolution probably has received more consideration, perhaps with the exception of the question of changing the time of the sitting of the Legislature from June to January, than any other question that will be presented before this body. The same argument, that the people desire and expect that the convention will submit an amendment for their ratification, that applied in that case applies in this. The people expect some action on the part of this convention fixing the compensation of members of the Legislature. I believe that it is an admitted fact that a large proportion of the legal voters of the State of New Hampshire are in favor of such a change, substituting for the per diem compensation a fixed salary. If that is a fact, the whole question will hinge upon the inquiry, What shall the amount of that salary be? In the resolu-

tion the amount is fixed at \$300, believing that it is only a fair compensation for the services rendered by that body. In looking this matter over you will find that in the last six years the average length of the sessions of the Legislature have been one hundred and sixteen days, giving to each member of the Legislature an average pay of \$348. It will be seen at once that if the salary had been fixed at \$300, the State of New Hampshire would have saved about \$45,000 during that period. It will also be seen that at the last annual session, which was held in 1878, our law-makers performed the business for which they were called together at an expense of \$73,000. Let us go on a little further and consider the compensation allowed to representatives and senators in the different States of New England. In Maine, representatives and senators have a fixed salary of \$150 per session, with a mileage of twenty cents per mile one way. In Vermont, they receive the sum of \$3 per diem, with the same mileage. In Massachusetts, where there are annual sessions, they receive a salary of \$500, with twenty cents mileage one way. In Connecticut, the salary for the annual session is \$300, and a mileage of twenty-five cents per mile one way. In Rhode Island, the Constitution fixes the pay at \$1 per diem, with a mileage of eight cents per mile each way. If the salary is fixed by the Constitution, it will undoubtedly remain for a good many years at least. It is well to make the salary of a sufficient sum so that the legislators can afford to come here for it. It is argued that \$300 will give a hundred days' session. Not necessarily. I submit that \$3 per diem, the sum which has been paid the legislators for years and years, is not sufficient at the present time. It is said that there is no complaint. Perhaps not; but I will submit to every gentleman of this committee that \$3 per diem, reckoning the time the member spends here, considering what it would cost him to put some one else in his place while he is absent from his business, reckoning his expenses while here, will not permit him to clear fifty cents a day. I do not wish to be understood that I think the expenses of the State should be increased, but I do believe that the people of New Hampshire are liberal. As a matter of fact they send more representatives to the Legislature than any other State in the Union. I believe that we should

consider this question in a spirit of fairness, and that we shall settle it in such a way that the present and future welfare and dignity of the old Granite State shall be maintained.

Mr. Ladd of Lancaster: I presume, from what I have heard outside, that the suggestions I feel constrained to make may not meet the approval of a majority of this convention. I find myself in a state of very considerable doubt whether it is wise, whether it is best, whether it accords with the history and the spirit of our Constitution and our frame of government, to fix the compensation of members of the Legislature. The whole framework and theory of our government is that the representatives of the people should come here clothed with the supreme legislative power of the State. The power to make laws resides in the people. The Legislature acts for the people. Our government is a representative government. It is a government by the people acting through their representatives. In the first place the trust is reposed in the people. It was the opinion of the framers of our Constitution that the right of government originated with the people, that the right of self-government was inherent in the people, and the people are acting, as I have suggested, in their representative capacity, through their chosen representatives here. The very theory of our government is that the trust must repose somewhere. We select men to represent us here in whom we have confidence; we clothe them with great power, — with the supreme legislative power of the State.

Now what is the proposition? Is it to suggest to them that they need a monitor? That they need supervision by a clause inserted in the Constitution that they shall do their duty in a patriotic way, that they shall serve the State instead of serving their own selfish interests or serving the interests of any parties who may appear here for the promotion of any unworthy scheme? We cannot carry on our government in that way, as it seems to me. Trust must be reposed somewhere, and by the very scheme of government it must be reposed in our representatives who assemble here for the purpose of making laws to govern our conduct. Now, if they cannot be trusted with this matter of fixing the compensation of members of the General Court, what can they be trusted with? If we must look after their conduct in



that respect, what becomes of our theory of government? What becomes of self-government itself if the representatives chosen in this way are not to be trusted. For a hundred years they have been trusted in this matter of fixing their own compensation and the compensation of future legislators. What has happened that should impel us to withdraw our confidence or to signify that the people of the State have withdrawn their confidence from their representatives in this respect? What great mischief has happened to the commonwealth because hitherto for a hundred years that matter has been determined by the representatives themselves, accountable only to their constituents and public opinion for any misconduct or any misuse of the trust?

Now I believe that the salary of no public officer of New Hampshire is fixed by the Constitution; it is a matter of legislative enactment. If the Legislature fix the compensation of other officers of the State, why should they not be trusted to fix the compensation of legislators?

It is suggested that by making a stated compensation short sessions will be encouraged. That is an imputation upon the integrity of our chosen representatives. Is our action to be a declaration that we fear, or that we have reason to fear, that our representatives will come here for the purpose of getting the paltry sum of three dollars a day and will protract the sessions unreasonably to serve their own avarice instead of serving the State? Is it to be assumed that all the patriotic sentiments which were supposed to exist in the people of New Hampshire at the time the Constitution was framed, and which make the bed-rock of our scheme of government, have changed and that the Legislature has got to be looked after? Must we station a guard over them to see that they do not abuse the high trust we have voluntarily given them? Is not that the imputation of the proposed amendment?

What is the exigency that requires the proposed action now any more than heretofore? It is very true that some of the late sessions have been long, — perhaps many of us think unreasonably long. There may be bad things in the Legislature; there may be projects pushed with zeal and energy which occupy an unreasonable length of time; things may happen before the Leg-

islature which we do not approve of. Does an occasion of that kind go to the foundation of our scheme of government and warrant such distrust of the integrity of the people or the integrity of their representatives as to call for a change in the Constitution? Is it to be assumed it will happen hereafter?

It is said, and with a considerable degree of force, that this measure has been adopted in other States. Of course no broad-minded man would exclude the experience of other States and other governments when he is considering a proposition for the amendment or formation of his own scheme of government. He looks to history for examples. But have those experiments in other States been tried long enough so that we can say that they have passed beyond the region of experiment? I think that is a question to be considered. Is there sufficient reason why we should incorporate into the Constitution of this State a provision fixing the compensation of a single officer, making him conspicuous in that way, while it is left with the Legislature to establish and fix the compensation of all other officers of the State?

Mr. Cross of Manchester : I have listened with much pleasure to the words of my friend from Lancaster (Mr. Ladd). He adduces some reasons — many reasons — for retaining the present system, and yet I differ with him. He talks, as we are all apt to talk, about the people. Who are the people? You are the people ; my friend here is one of the people, and you, and you. We are the people here to-day. We talk about the “ dear people.” We are sent here by the “ dear people ” to represent them and to do what we think is honest and fair and just for their present and their future welfare. This question comes before us. My friend says that it is inconsistent with the dignity of the House that may be elected ; that we do not trust the people if we fix the salary. I think if we look into history, as he says, we find in a majority of the States that they either fix the salary or they prescribe the number of days that the Legislature shall sit. Is it not fair and proper that we should do the same thing?

Let us consider why this matter comes up. We may just as well look at the facts and take them just as they are. What are the facts in regard to the last sessions of 1887, 1885, and 1883?

How did the representatives act? How did you and I act? We have been here, many of us, in years past. What is the history and what is the fact? The Legislature would come together on the prescribed day in June and two or three weeks would pass before they would do anything. That is the way the servants of the people have acted in the past. They have come here, as I say, and spent one, two, or three weeks, perhaps, to elect a senator, and then they would begin to work. They would adjourn to Monday evening; Monday evening they would have a nominal session; along Tuesday afternoon there would be a quorum, perhaps; they would be present Tuesday afternoon, Wednesday, and Thursday. In former times they used to stay over until Saturday, but now the majority are absent on Friday. If we look at the facts we find that these men, these servants of the people employed to do the people's work, actually worked but two days in the week and received pay for seven days' work. Is it not time for the people to look into this? If a farmer or mechanic employs a man to work for him, would he expect to pay him for seven days' work when he works only two days? We should pay men for their work and not for their play, — not for disregarding their work and staying at home.

I think the people demand that this matter should receive a fair consideration and that a fair and honorable salary should be fixed. It is not derogatory to future representatives to fix the salary. You will not find any difficulty in Concord or Henniker or any other town in obtaining men to represent you in the Legislature. Is there any lack of candidates? Why, in my own city, as I heard the story, — I do not know anything about it, — they report that there are thirty or forty candidates for every place. I think you will find that in the country towns and in the cities throughout the State there is no lack of material for servants of the "dear people." They are willing to come here, — the honor itself is sufficient without any compensation. I would fix the compensation at one hundred and fifty dollars, as they do in some States. Why cannot a New Hampshire man serve the State honorably for one hundred and fifty dollars as well as a man in the State of Maine? They pay higher prices in Massachusetts. The city of Boston pays higher prices for ser-



vices in every department. In Boston they pay the mayor ten thousand dollars, while in our cities they pay five hundred or three hundred dollars. I submit that there will be no difficulty in finding honorable men to serve the people for this fair compensation. I submit that there is no reason why we should not fix a salary, and a fair salary. If you give one hundred and fifty dollars, that will be fair compensation for fifty days' service. Why should they be paid for Sunday? Why should they be paid for Saturday if they are not here? If you fix the compensation at one hundred and fifty dollars they would come here on Monday and work Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and they would be here three, four, or six weeks, and do the business better than it has been done heretofore, and the people would be better satisfied; and fifty thousand or one hundred thousand dollars a year would be saved. That is the way I would serve the people. (Applause.)

Mr. French of Nashua: It sometimes happens, or it may happen, that the governor will have to call a special session of the Legislature. I am informed that it has not happened within the history of our State, excepting in the year 1813; but it may occur, and it ought to be provided for, and I apprehend the amendment which I suggest will not waken any discussion. I therefore move to amend by adding as follows: "*Provided, however,* when the General Court shall be called together by the governor the members shall receive as compensation for their attendance at such special session the sum of three dollars per day for a period of not more than fifteen days." I am just informed that we did have a special session in August, 1864. Of course this amendment does not affect an adjourned session.

Mr. Walker of Concord: I would sooner cut off my right hand than show any disrespect to the body called the New Hampshire Legislature by fixing a compensation if it indicated any distrust on our part of their conduct or their honesty. I do not think anybody wants to do that, or has any such intention; but if I read the signs of the times aright, if I feel the pulse of the people aright, they are saying to us outside, "Fix a stated compensation for the members of the Legislature." Now is



there any objection to doing that? Do we cast any imputation upon the Legislature by so doing? If it is said that we cast imputation upon them by fixing their salary, we are casting imputations upon the governor, who does not fix his own salary, — we are casting imputations upon the judges of the supreme court, for they do not fix their own salaries. The salary of every officer in the State of New Hampshire is fixed by some one other than himself, except members of the Legislature. Now, if I were a member of the Legislature, I should have a little delicacy in fixing my own pay, particularly if there was a little distrust outside and dissatisfaction with the length of the session. This amendment would prevent the embarrassment that the Legislature might feel in fixing their compensation. If we fix it here by the Constitution, they can accept it or reject it. They are not obliged to come here; no one need accept the position of member of the Legislature unless he sees fit.

Mr. Cate of Henniker: It has been suggested by the gentleman from Lancaster (Mr. Ladd) that it would be casting an imputation upon the members of the Legislature should we fix their salaries. I do not think when they fixed the salary of this honorable body that they had any such thing in their minds. They had no hesitation in limiting the sum that should be expended for this convention. It has been suggested by the gentlemen from Manchester that there is no dearth of candidates in Concord or Henniker, and I would suggest that there is no dearth of candidates in Manchester. I am not here to impute to any man a wish to pay the members beyond what they really earn, nor do I think this body will vote to pay them a smaller compensation than rightfully belongs to them. I believe that the people not only require and demand that a salary shall be fixed, but I believe the people require and demand that a salary shall be fixed at such sum as shall be satisfactory. I believe that if it is fixed at \$150 it will be not only unsatisfactory to the people, but I do not think they would vote for the amendment. I believe we should consider the question liberally. The salary should be fixed so that every man who comes here as representative will know what he is to receive, and will use his time carefully and do his work expeditiously; and the salary should be

large enough so that he can afford to do the business thoroughly and well, receiving a fair and honest compensation for his services.

Mr. Pillsbury of Londonderry: If I understand correctly, we are now considering the resolution providing for a salary of \$300. If I understood the chair, the other resolutions are to be considered as amendments to this; and for the purpose of bringing one of those resolutions before the committee, I would move that the resolution which provides for a salary of \$200 be substituted for the original resolution.

The Chair: There are four several propositions pending before the committee: One, to fix the salary at \$300; a second, to fix it at \$250; a third, to fix it at \$200; and a fourth, to fix it at \$175. Under parliamentary practice the resolution proposing the largest salary must be considered first. The question is, therefore, upon the resolution fixing the salary at \$300. If that resolution should not pass, the proposed amendment fixing it at \$250 will be next in order.

Mr. Smith of Mont Vernon: I do not think the views of the gentleman from Lancaster (Mr. Ladd) ought to obtain the assent of the convention. There is one point in the position taken by the gentleman from Manchester (Mr. Cross) that has my hearty approval. I believe the sum of \$300 proposed by the gentleman from Henniker (Mr. Cate) is excessive. I think two thirds of that sum is an ample remuneration for the service rendered. As the gentleman from Manchester (Mr. Cross) has stated, there will be no lack of candidates. There are a great many men who desire a seat in the Legislature for good and sufficient reasons. For myself I would like to return to the old method of annual sessions and annual elections. I remember quite well, when I sat in the constitutional convention of 1876, that General Marston said he would like to see the boys here every year. He was entirely opposed, as was Judge Daniel Clark (the president of the convention), to biennial sessions. But I know from the temper and spirit of this convention that it is not ready to return to annual sessions and annual elections. I am opposed to the reduction of the number of members of the Legislature. It was once re-

marked, I believe, by the presiding officer of this convention that the State of New Hampshire had become noted all over this country for the readiness with which the men went out from the State to build up other commonwealths and to shape legislation, and he attributed it to the large numbers of men who came up here annually to Concord to be educated. The educational force of the large body of men who came here and legislated thirty days at two dollars a day has been wonderful. We should take pride in the noble men who have emigrated from this State, and have occupied prominent positions in other communities, laid the foundations of other governments, and shaped the civil polity of other States. In this respect New Hampshire is approached by no State in this republic. Two hundred dollars would give a session of sixty-six days at \$3 a day, and that ought to suffice for framing the laws of this commonwealth. The gentleman from Henniker (Mr. Cate) stated, I think, that the public sentiment required that the salary be fixed at \$300. I have considerable acquaintance with the rank and file of the citizens of this State, and I have never heard more than two thirds that sum named. I hope this proposition will not prevail.

Mr. Barton of Newport: In twenty-one States of this Union the time for holding sessions of the several Legislatures is limited, and the average of that limitation is sixty-one days. Now, I wish to offer just this simple proposition or suggestion: Members of the Legislature are now paid at the rate of \$3 per diem; give them a salary of \$200, in addition to their mileage, and that would allow them, at the rate of \$3 a day, a session of sixty-six days. Sixty days would ordinarily be sufficient for a session. I think that is the sum that should be settled upon. We do not wish to act niggardly, nor do we wish to be profligate in this matter. The old saying is, "The safest course is in the middle of the stream."

Mr. Foster of Lisbon: When I first came into this convention I had not in mind to take one moment of its time. I saw before me so many abler than I to discuss these questions that I intended to keep still and give them the floor. When I was elected a delegate to this convention by my constituents last



November, it was then apparent that this subject of salary was one uppermost in the minds of the people. I do not wish to cast undue reflection upon any House of Representatives of this State that has existed in the past; but with the experience of the Legislature of 1887 ever memorable I fear, when it began its work on the first Wednesday of June and continued into the month of November, making a session of five months, a feeling almost of sadness, and surely a feeling of dissatisfaction, spread out all over this State. Did it not cause the people to think and reflect? Did they not say silently in their own minds, and more in a tone of sadness than of anger, We do not want the like to occur again?

Now the question before us is, What is a fair compensation? When I drew the amendment which is there on the table and which will soon be before you, it was my utmost desire to draft something that should be perfectly satisfactory to the convention and to the people of the State. I think the sum of two hundred dollars is fair and just. We ought not to view this matter from a mercenary standpoint, and we do not want the office of representative to be sought for a mercenary purpose. I am reminded as I stand here of a most glorious example, and as I gaze at yonder picture of Washington, I am reminded that he once occupied the chief military position of this nation in a time of war, and afterward in time of peace held the highest position in the gift of the people; and the question was asked him by a grateful country, what should be his compensation for his immeasurable services. If I remember rightly he replied in substance, "I care not for anything for my individual services." But his expenses were paid and something more. He left at the close of his career a legacy of thought and acts and a character for noble patriotism which will remain to future generations as enduring and bright as the ever-shining star in the heavens.

Two hundred dollars seems to be a fair compensation and one that the people will be willing to give, and one that the representatives, in connection with the honor and dignity of the office, will gladly receive. Two hundred dollars is a round sum for a forty days' session; two hundred dollars is a reasonable sum for a sixty days' session and is equal in amount to the pay at



present provided for a session commencing on the first Wednesday of January and closing by the time of the town elections in the March following. Is not that time long enough for the Legislature to come here and make all the laws that are necessary to the progress and welfare of the people? This people is not a wealthy people like some of our neighboring States. The hardy yeomanry over these rocky hills, up and down the valleys, have to be economical and energetic to make both ends meet.

I think when this matter receives the candid attention of this committee that my proposition will be indorsed by a large majority. These changes, substituting January for June as the time of holding the sessions of the Legislature, and the proposition now under consideration, would be grand companions and should go along hand in hand and go to the people together; for I believe at the proper time they will be indorsed by a good two thirds vote, and thus become a part of the Constitution of this State.

The question being stated,

Shall the salary of members of the Legislature be fixed at three hundred dollars per annum?

The proposition was rejected.

The chair stated the question to be upon the amendment offered by the gentleman from Concord (Mr. Durgin) to fix the salary at two hundred and fifty dollars.

Mr. Colby of Claremont: This question is one of some interest, and I think it ought to be considered a little more before a final vote is taken. At least I wish to consider it myself. I would therefore move that the committee rise, report progress, and ask leave to sit again.

Mr. Bell of Exeter: I would simply inquire what the convention proposes to do the remainder of the afternoon. I am afraid that the business which is left that we can attend to will be small. My idea is that we ought to be a working convention and work good long hours. If I could see that we might easily find occupation for the remainder of the afternoon, I should not say a word against this proposition; but under the circumstances I doubt its expediency.

Mr. Colby : There is nothing else apparently ready for our consideration except the question now before us. If a vote is taken immediately upon that question, of course we should have the rest of the afternoon at our command then. If it can now be discussed at greater length I should myself be pleased, and in view of that desire, perhaps, on the part of some, I will withdraw my motion.

The Chair : The motion that the committee rise is withdrawn, and the question is upon the adoption of the amendment proposed by Mr. Durgin of Concord, making the compensation two hundred and fifty dollars.

Mr. Durgin of Concord : I made this proposition because I felt that three hundred dollars was too much. I have no particular feeling in regard to the matter, whether it is fixed at two hundred or two hundred and fifty dollars. I felt that if three hundred dollars was adopted and presented to the people, that not only that proposition would be voted down, but that the proposition to change the holding of the session from June to January would also go with it. I felt that these two propositions ought to go together, and I desire most earnestly that they should both be adopted. I think we should come to some conclusion that will meet the approbation of the people, but which would do no injustice to the members of the Legislature. I say again that I introduced this amendment reducing the figures from three hundred dollars to two hundred and fifty dollars thinking that the change might be acceptable if the proposition with reference to three hundred dollars failed ; but I shall not feel badly if it is fixed at two hundred dollars.

Mr. Hibbard of Laconia : I am in favor of fixing the compensation of the members of the Senate and House of Representatives at a definite sum for a legislative term, but I am not in favor of fixing the sum so high as two hundred and fifty dollars. It is my judgment that the resolution presented by the gentleman from Lisbon (Mr. Foster), fixing the sum at two hundred dollars, is as near right as this convention will ever get.

The controversy that has been forced upon this convention and upon the people of this State arises from the reprehensible prac-

tice of members of the Legislature in deserting the capital and being at their homes about one half of the time. It is not necessary to characterize such a practice more than to state it. Probably there are a good many who are listening to me now that have practiced it considerably themselves ; but it is a practice that should in some manner be discountenanced. Now it is my judgment that a period of sixty-seven days, which would be until Saturday of the tenth week of the session, is long enough for a session of the New Hampshire Legislature except in a few extreme cases. The session of 1887 was doubtless an extreme case, and 1883 was somewhat of that nature. I have looked at the journals and have ascertained that the average sessions of the Legislature for twenty years, commencing with 1860 and ending with 1879, were just about thirty-eight days. I include the session of 1878, when the laws were revised, which was a long one, and I also include the session of 1879, which was a biennial session, but it came within one year of the preceding session. It is my opinion that the general business in those twenty years, from 1860 to 1879 inclusive, was about the same as may be anticipated for the next twenty years or more. For obvious reasons a biennial session must require less time than two annual sessions. In my opinion sixty-seven days — nine weeks and four days — is ample time for all ordinary sessions of the Legislature. Once in awhile they may be longer ; but those who accept the office of senator or representative will accept it with the understanding that they may be called upon to serve a little longer than the average session. At three dollars per day, the rate fixed by the existing law, the compensation would amount to two hundred and one dollars for a session of sixty-seven days, only one dollar more than the salary proposed by the gentleman from Lisbon. Now if such an amendment as this does not compel the members of the Senate and of the House to be in Concord Monday night at least, so that they can give the whole of Tuesday to legislative work, and to stay at least through Friday, so as to make four complete legislative days in a week, I shall be a little surprised. I think it will have that effect ; but if it does not have that effect, let them go away Friday morning and come back Tuesday afternoon, and let them do it at their own expense and not at the expense of the people of the State.



Mr. Ladd of Lancaster: I hope I may be pardoned a single word further, although I am rather inclined to think that the views I have undertaken to present are not particularly popular with this convention. I do not know what may be the expectation of the gentleman from Laconia (Mr. Hibbard) and of some other gentlemen here, but I do not expect that we shall be able, even with all the power of the people, in constitutional convention assembled here, to legislate virtue, morality, patriotism, the civic virtues, into future Legislatures of New Hampshire. The gentleman from Laconia says that Legislatures heretofore have been guilty of reprehensible conduct. I do not know that I should take issue on that. I suppose men will be men, and they will have the faults of men until the millennium comes at least, and I do not believe we shall be able to pass an amendment to the Constitution which will bring on the millennium; men will continue to be men. The gentleman from Laconia says he thinks that if we fix the salary, the result will be that they will come here and work a sufficient number of days to earn their money. That argument seems to be put upon the ground that we are hiring men to work for us; that is, we as masters are hiring men to work for us as servants in whom the Constitution vests the supreme law-making power of New Hampshire, and we are now engaged in devising a scheme to get good days' works out of them. I do not like to look at the subject in just that way. You cannot legislate morality and patriotism into men. You cannot effect your purpose in that way. Improve your methods of political education. Support your churches and Sunday schools, and promote morality and the civic virtues according to the behests and admonitions of this magnificent Constitution which we already have.

Now I should be glad to have this question answered, because it troubles me a little. If we, the people, elect a set of men whom we must follow with a constitutional convention all the time to see that they are not recreant, I should like to know what security we have for one good quality in them any more than another? If we have not security in their responsibility to the people, their sense of honor and their sense of duty and patriotism, to insure the performance of their public duties here, I should



like to know what security you will have that they will not come here, and, instead of working six days in the week, work just as few days as they can, and stay just as short a time as they can, and go home just as quick as they can get away, and leave the public business unperformed, and leave legislation to suffer and the body politic to decay in consequence of their neglect and recreancy to their duty? I cannot see it in any other light than that this is an imputation upon our legislators. What assurance, what guaranty have we that putting a stated and fixed compensation upon their services will secure faithful and efficient conduct on their part, and that they come here Monday morning and work until Saturday to earn their money, any more than we have that they will perform the duty which is placed upon them by the Constitution without any such mercenary consideration as that? Is that all the motive that we can present or hold over the legislators of this State, — a sordid, mercenary consideration? If they are so recreant to their trust as to omit one duty, will they not omit another? How are we going to know that a fixed salary will secure that they do the number of days' work suggested by the gentleman from Laconia? Why is it not just as probable that they will come here and stay as short a time as they can, if they are the kind of men supposed, and so get as many dollars for as few days' work as possible if we make a stated salary, as that they will come and stay a long time for the purpose of getting three dollars a day, provided that we allow that munificent sum to stand as their compensation hereafter as it has been heretofore?

Mr. Cross of Manchester: The gentleman from Lancaster (Mr. Ladd) is a logician, and his arguments are always well put. He talks about the virtue of the people; he talks about the high character of the representatives in the future Legislatures; he talks as though we were putting some disgrace upon them by paying them a salary; he says men are not perfect, the millennium has not come, and how do we know that if we pay them a salary they will come here Wednesday and adjourn the next Monday without doing anything. And so he offers a bribe to these patriotic men by saying, We will pay you so much a day and then you will work for us; you have not honor enough to

work for a salary ; but we will pay you by the day and then your virtue will triumph, and you will stay here two months, three months, four months, five months, or six months at three dollars a day. My friend's logic is not consistent.

We pay our judges a salary. The gentleman was once upon the bench ; I wonder if he would have worked any better if he had had fifteen or twenty dollars a day ? If we had only known what his idea was, we would have paid him by the day. But there is no use of talking of that, for he could not have done any more than he did when he was on the bench ; he worked all the time, and his distinguished ability and labor deserved much more pay than he ever received. This idea that a man will not work unless he is paid by the day is absurd.

I was here in 1848, 1849, and 1856. We used to think along back in those days that we should not stay longer than until about the 4th of July, because we were afraid the other party would make a fuss if we made too much expense, and so we would work like beavers until we got through. But now other interests have come in and prolong the sessions of the Legislature ; I do not think it is so much the fault of the representatives. I understand ; I have heard ; I think I knew something about it in 1883 and in 1887 ; I think there was then something of a railroad contest here. Perhaps the gentleman from Portsmouth (Mr. Jones) knows better about it than I, — I think there was something of a railroad contest. But I presume that these railroad contests which keep the members here one, two, or three months have passed, and the railroads will settle their own matters and we shall go back to old times when railroads did not interfere with us, when we could do all the business of legislation in six weeks. The legitimate business of legislation can be done in from four to six weeks just as well as it can in six months. If the railroads wish to come here and wish to take longer time, perhaps they will come ; but I think the railroad contests are substantially settled. At any rate, a salary of two hundred dollars or one hundred and fifty dollars is honorable to the men and is fair to the State. We shall get men enough to take the place. Our constituents will thank us that we have done a square and honorable thing.

The question being stated,

Shall the amendment offered by the gentleman from Concord (Mr. Durgin), fixing the salary of members of the Legislature at two hundred and fifty dollars, be adopted?

It was decided in the negative.

The amendment proposed by the gentleman from Lisbon (Mr. Foster), fixing the salary at two hundred dollars, was considered.

The question being stated, the amendment was adopted.

Mr. Foster of Lisbon moved to amend the resolution fixing the salary of the speaker of the House and president of the Senate at two hundred and fifty dollars each.

Mr. Baker of Lebanon: Was there not a resolution presented to the convention this morning providing for the salary of the speaker of the House and president of the Senate, which was referred to the Committee of the Whole to be considered at the time of the consideration of the resolutions now before the committee?

The Chair: No such resolution has been presented to the chair.

Mr. Lyman of Exeter: My recollection is that such a proposition was made, but that nobody voted in favor of it and nothing was done with it. I may be wrong, but that is my impression.

Mr. Dudley of Brentwood: I introduced an amendment to the resolution, which provided that the salary of the president of the Senate and speaker of the House should be fixed at double that of a member.

The Chair: The amendment of the gentleman from Brentwood, containing the larger sum, will be considered before the other amendment.

The question being stated, the amendment was rejected.

The amendment offered by Mr. Foster of Lisbon, fixing the salaries of president of the Senate and speaker of the House at two hundred and fifty dollars each, was considered.



The question being stated, the amendment was adopted.

Mr. French of Nashua moved to amend the resolution as follows :

Add after the word "mileage," at the close of the resolution, the following ; "*Provided, however,* that when the General Court shall be called together by the governor, the members shall receive as compensation for their attendance at such special session the sum of three dollars per day for a period of not more than fifteen days, and the usual mileage."

Mr. Wallace of Milford moved to amend the amendment by striking out the words "for a period of not more than fifteen days."

Mr. French of Nashua : This amendment was suggested to me by an older member looking carefully to a provision that would cover all cases. We all know that the exigency probably will seldom occur when the governor will have to call a special session of the Legislature. But it may happen, it has happened, and in justice to those who may be called at that time there should be some provision. It seems to me there can be no reasonable objection to providing for all such cases. The time is limited in the original resolution to fifteen days, so the expense cannot exceed forty-five dollars and mileage. It would not seem just that members of the Legislature should come here and should fare worse than their predecessors, and they must come if called here by the governor upon a special occasion. Two hundred dollars covers only such a session as will ordinarily be held. Now if there be a call by the governor, there will be extra work and extra time required of the Legislature, and why should they not be compensated for it? The occasion will seldom occur, but when it does occur it is just that the representatives should be paid for their time, not exceeding fifteen days.

Mr. Wallace of Milford : I agree with the gentleman who last spoke (Mr. French). The occasion rarely occurs that a special session of the Legislature is called ; but it would seem to be right and just that if such an emergency should occur the members of the Legislature who are called here at that time to



perform their duties should be properly recompensed for the time and services they render. Of course, no such exception as this was necessary under the law as it has heretofore existed, because they would have received and did receive three dollars a day whether it was at a special or regular session of the Legislature. Having adopted an amendment to the Constitution which fixes the salary of members of the Legislature, and having fixed it at a sum which we believe would properly recompense them for a regular session, it seems right that we should make some provision for their recompense when they are called together at special sessions. Now I am in favor of the amendment proposed by the gentleman from Nashua, except that I do not believe it is possible for us to limit the number of days for which they should be recompensed. It is seldom that a special session will be called. It is only to be called upon some exigency; and I believe it is right and best to allow three dollars a day for the whole time, whether the session shall be fifteen days or thirty days in length, and let the exigency which arises settle the question of the length of the session at the time.

Mr. Davis of Hopkinton: I wish merely to make one suggestion in regard to extra sessions without any limit. In case it should happen that the Legislature should meet here and stay sufficient time to get their two hundred dollars, and then go home, what is to hinder the governor calling an extra session of the Legislature and the members coming back and staying as long as they please? In such a case are we gaining anything by fixing the salary at two hundred dollars?

The question being stated,

Shall the amendment proposed by the gentleman from Milford (Mr. Wallace) be adopted?

It was decided in the negative.

The question being stated, the amendment proposed by Mr. French of Nashua was adopted.

On motion of Mr. Knapp of Somersworth, ordered that the committee arise and report progress.

## IN CONVENTION.

(The president having resumed the chair.)

Mr. Bartlett, chairman, reported that the Committee of the Whole had had under consideration the resolution introduced by the gentleman from Henniker (Mr. Cate), fixing the salary of members of the Legislature, together with sundry amendments thereto, had concluded the same, and reported the resolution, as amended, to the convention.

Mr. Lyman of Exeter : The resolution says that \$200 shall be paid for "every session." If there was an extra session, the salary of each member would amount to \$400. I simply call the attention of the convention to this. If it is referred to a committee, they will undoubtedly put it in proper form.

On motion of Mr. Colby of Claremont, the resolution was referred to the Committee on Legislative Department.

The president laid before the convention petitions presented by Mr. Durgin of Concord, representing fifty-three towns and bearing the names of 4,313 citizens of the State, asking for the submission to the people of an amendment to the Constitution prohibiting the manufacture and sale of intoxicating drinks.

On motion of Mr. Cross of Manchester, the several petitions were laid on the table, to be referred to a special committee to consist of one member from each county.

Mr. Hayes of Milton presented a memorial of the Union Law and Order League, of Wakefield, Brookfield, Milton, and Middleton, praying for the adoption of an amendment to the Constitution prohibiting the manufacture or sale of all malt or distilled liquors.

The memorial was laid on the table pending the appointment of the special committee to consider petitions on the same subject.

Mr. Damon of Campton presented the petition of Gardner S. Bartlett and sixty-one others, citizens of Campton, asking for

an amendment to the Constitution enlarging the jurisdiction of justices of the peace.

The petition was referred to the Committee on Judicial Department.

Mr. Blake of Fitzwilliam moved that the report of the Committee of the Whole on the resolution changing the time of the meeting of the Legislature from June to January be taken from the table.

The motion prevailed.

The question being stated,

Shall the report of the Committee of the Whole be accepted?

Mr. Lyman of Exeter: I am not going to oppose this proposition. It appears to me, however, that it would be difficult and inconvenient to get all the members to attend the first of January. So far as trade is concerned, I suppose our merchants sell more goods from the 20th of December to the 12th of January than during any other time in the year. The banks and, I think, all other corporations generally hold their annual meetings at that time. It is a time of active business operations, especially with corporations and merchants. If it would be convenient for the Legislature to meet the first part of November, it appears to me it would be a delightful season for it.

A member: Election comes then.

Mr. Lyman: Yes, election comes then. I was thinking that was in October. A certain minister said that he wrote his afternoon sermons during the noon, so that if they were not as good as they might be they would at least be warm. I do not know when the best time is. I only call your attention to the matter. I believe it is universally considered in Massachusetts that it is impossible to do any business in the Legislature during the first two weeks in January because the members are so much engaged otherwise. I have no proposition to make; I simply wish to invite the attention of the Legislature to the matter.

Mr. Woolson of Lisbon : I move that the report be referred to the appropriate committee.

The President : The question is upon the adoption of the report. I think it will be found that in every instance where a report was made it was adopted before it was sent to a committee. Such a course puts the seal of approval upon the action of the Committee of the Whole.

Mr. Ladd of Lancaster : My impression is that we have adopted a different rule on that subject. Under the method of procedure adopted in 1876 everything went to a Committee of the Whole as a matter of course, and the provision was that nothing should go to standing committees except what had been adopted by the convention.

The President : Will the gentleman refer to the rule and to the change ?

Mr. Ladd : On page 26 is the resolution which was adopted by that convention, and which is materially different from the resolution under which we are working. That resolution is as follows :

*“Resolved, That this convention will proceed to revise the present Constitution of the State by considering it as in Committee of the Whole till gone through with under consecutive and separate heads, and by sending to special and appropriate committees, from time to time, such amendments as may be adopted by the convention.”*

The President : The present rule is in these words : “All amendments proposed shall be offered in writing, and shall be read by the secretary for the information of the convention, when, unless rejected or otherwise disposed of, the same shall be referred to an appropriate committee, who shall examine and report the amendments referred to the convention, with such recommendation as they may deem advisable.” I do not see anything in the phraseology that necessarily implies an intention to change the form of proceeding.



Mr. Hatch of Greenland: I think this rule was substituted for and intended to take the place entirely of the old form of proceeding in 1876. The rule with reference to the forming of the Committee of the Whole and then referring matters to a committee to be put into precise language was dropped, and this new form adopted. What is the report of the Committee of the Whole? It is that the amendment be adopted by the convention. Now if the report is adopted, then the proposition is adopted by the convention, and it is too late then for any committee to put it into precise language. It seems to me that ought to be done before the amendment is adopted by the convention.

The President: I take it that the object of sending this to the Committee of the Whole is to get at the views of the members, but not to put it into the form in which it is to be embodied in the Constitution. The purpose of the committee twelve years ago was to take such propositions in their informal shape and to put them into proper form and adapt them to the language of the Constitution. My idea was that the same process was to be adopted to-day, that where a proposition had gone through the Committee of the Whole and received their approval, it was then to be sent to a committee for the purpose of being put into shape.

Mr. Hibbard of Laconia: I think the change which it was understood the committee recommended is not in the rules at all. I think it is not printed with the alphabetical list.

The President: Was there anything in that which related to this matter, as to whether the resolution adopted by the Committee of the Whole should be afterwards adopted by the convention before it was sent to a special committee?

Mr. Hibbard: It was understood that a change was made so as to present things the other end foremost, if I might so express it. I think it was understood in the committee that the practice of 1876 was changed, and that matters would be referred to a committee before they were adopted by the convention.

The President: I think their method might be well enough pursued so far as the language of the rules is concerned, and

without having my attention called to this I followed the practice of 1876; but if it was the intention of the committee that that practice should be changed at this time, I have no objection.

Mr. Hibbard: The understanding of the committee was that in 1876 the standing committees did not act upon the merits of questions referred to them, but only put them in form and adapted them to the Constitution, but that the plan adopted at this convention was different, and required a reference in the first place; but I do not distinctly remember the phraseology of the resolution.

The President: If that was the understanding, it is very evident that the practice ought to be modified accordingly, and my idea would certainly be, that there is no occasion for the convention to formally adopt the action which has been taken by the Committee of the Whole.

Mr. Ladd: I see by the last convention that everything was finally and formally adopted by the convention after the several propositions had been to the committees and put in form.

Mr. Gilmore of Manchester: You will find where they adopted the amendments on page 253 of the journal of the convention.

The President: My ruling would be, that it is not necessary to adopt the action of the Committee of the Whole before sending the resolution to an appropriate committee. It is moved by the gentleman from Lisbon (Mr. Woolson) that the resolution reported by the Committee of the Whole on the subject of changing the time of the assembling of the General Court from June to January be referred to the Committee on Legislative Department.

The motion prevailed.

On motion of Mr. Hatch of Greenland, the convention adjourned.

WEDNESDAY, JANUARY 9, 1889.

The convention met according to adjournment.

(The president in the chair.)

Prayer was offered by the chaplain.

The reading of the journal of the preceding day was begun, when, on motion of Mr. Davis of Warner, the further reading was dispensed with.

The president announced the following special committees :

## ON FINANCE.

Messrs.

Baker of Lebanon,  
Sanborn of Portsmouth,  
Farrington of Rochester,  
Gilmore of Manchester,  
Woodman of Concord,

Messrs.

McCrillis of Center Harbor,  
Mathes of Wolfeborough,  
Brigham of Winchester,  
Bond of Charlestown,  
Day of Stratford.

## ON PROHIBITORY AMENDMENT.

Messrs.

Cross of Manchester,  
Todd of Atkinson,  
Thurston of Dover,  
Durgin of Concord,  
Webster of Meredith,

Messrs.

Wilkins of Moultonborough,  
Fletcher of Marlow,  
Duncan of Plainfield,  
Noyes of Bethlehem,  
Smith of Dalton.

The president laid before the convention the following communication from the officers of the New Hampshire Woman Suffrage Association :

*To the Officers and Members of the Constitutional Convention of the State of New Hampshire :*

The undersigned, officers of "The New Hampshire Woman Suffrage Association," and in behalf of their associates, respectfully petition for an amendment striking out the word "male" from articles 9 and 28 of the State Constitution, said amend-

ment to be submitted to the people, with such other amendments as may be proposed by your honorable body. We would call attention to the fact that nearly three thousand names were presented to the Legislature of 1887, asking for the extension of the right of suffrage to women, and also that like petitions, with more or less names signed to them, have been presented to the Legislatures for the last eighteen or twenty years; also, that a majority of the Woman's Christian Temperance Union are asking for political rights. Believing that "all men [and all women are included] are born equally free and independent, therefore, all government of right originates from the people, is founded in consent, and instituted for the general good." We earnestly pray that our organic laws may be made to conform to this declaration of the Bill of Rights, by removing from them a provision that disfranchises one half the people of the State. Believing that "taxation without representation is tyranny," we submit that law-abiding, tax-paying women ought to have the right to a just and direct representation in the government. The existing condition of things is not "founded in consent" of all the governed, neither does it exemplify the idea that "all men [which necessarily includes all women] are born equally free and independent;" and we earnestly pray for equal political rights to be given to all citizens of the State irrespective of sex.

ELIZA J. C. GILBERT,  
*President.*

MARY H. ELA,  
*Secretary.*

ARMENIA W. HOBBS,  
*Treasurer.*

ARMENIA S. WHITE,  
*Chairman Executive Committee.*

The president also laid before the convention the memorial of Lucy Stone and others, asking for an amendment granting an extension of the right of suffrage to women.

Mr. Davis of Warner moved that the communication and memorial lie upon the table.



Mr. Davis of Hopkinton : It does not seem to me that such disposition should be made. I hope that the motion will not prevail and that we give them a hearing to-morrow evening.

Mr. Lyman of Exeter : The question is not debatable, but I see no objection to giving them a hearing to-morrow evening at half-past seven.

Mr. Davis of Warner : It was not my purpose in moving to lay the matter on the table to obstruct, but rather to make some disposition of it for the present. I did not know but some arrangement could be made after adjournment this morning by which we could accommodate them. I will withdraw the motion if it is thought desirable to give them a hearing to-morrow evening.

Mr. Lyman : I move that they have an opportunity to present their cause at half-past seven to-morrow evening in this hall.

The motion prevailed.

Mr. Davis of Warner offered the following resolution :

*Resolved*, That the manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors, are and shall be forever prohibited ; except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the sale and keeping for sale of cider may be permitted, under such regulations as the Legislature may provide. The Legislature shall enact laws, with suitable penalties, for the suppression of the manufacture, sale, and keeping for sale of intoxicating liquors, with the exceptions herein specified.

The resolution was referred to the Special Committee on Prohibitory Amendment.

Mr. Coburn of Littleton presented the petition of Frederick George Chutter and forty-two others, citizens of Littleton, praying for the submission to the people of a prohibitory amendment.

The petition was referred to the Special Committee on Prohibitory Amendment.

Mr. Smith of Plymouth presented the petition of T. S. Simpson and forty-five others, citizens of Plymouth, asking for an extension of the powers of justices of the peace.

The petition was referred to the Committee on Judicial Department.

Mr. Amidon of Hinsdale offered the following resolution :

*Resolved*, That part second of the Constitution, articles 9, 10, and 11, be so amended as to provide that each town entitled to town privileges and each ward in every city shall be entitled to elect, biennially, one representative in the Legislature, unorganized towns and places to be classed by the General Court on an equitable basis for the purpose of choosing a representative ; and the General Court shall not authorize any town, ward, or place to elect and send such representative except as herein provided.

The resolution was referred to the Committee on Legislative Department.

#### REPORTS OF COMMITTEES.

Mr. Fernald, for the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, to whom was referred the proposed amendment to the Constitution offered by the gentleman from Manchester (Mr. Cross), relating to the right of persons convicted of crime to vote, reported the following resolution :

*Resolved*, That it is inexpedient to amend the Constitution as proposed.

The report was accepted and the resolution adopted.

Mr. Lang of Orford, for the same committee, to whom was referred the resolution introduced by Mr. Thompson of Belmont, relating to amending article 99, part second, of the Constitution, as to choice of delegates to the constitutional convention, reported the following resolution :

*Resolved*, That it is inexpedient to amend the Constitution as proposed.

The report was accepted and the resolution adopted.

Mr. Colby, from the same committee, to which was referred the resolution relating to removals by address, reported that it is inexpedient to adopt the amendment proposed.

The report was accepted and adopted.

Mr. Hatch, from the same committee, to which was referred the proposed amendment to the Constitution offered by the gentleman from Rochester (Mr. Whittier), providing for the division of certain towns into voting precincts, reported the same with the following resolution :

*Resolved*, That it is inexpedient to amend the Constitution as proposed.

Mr. Felker of Rochester: I move that the report be recommitted. It seems to me that the people of Rochester are in a bad fix with reference to their town meetings. They have a list of some twenty-four hundred voters, and it is practically impossible to vote at one polling place. They wish the Constitution amended so they can have more than one polling place. Mr. Whittier is not present, and as we have had no hearing before the committee it seems to me that we ought to have an opportunity to be heard.

The motion prevailed and the report was recommitted.

Mr. Hibbard, for the Committee on Judicial Department, to which were referred sundry petitions for an amendment to the Constitution giving justices of the peace exclusive original jurisdiction in civil causes when the damages demanded do not exceed one hundred dollars and the title of real estate is not concerned, reported the following resolution :

*Resolved*, That the petitioners have leave to withdraw.

The report was accepted and the resolution adopted.

Mr. Smith, for the Committee on Bill of Rights and the Executive Department, to which was referred the proposed amendment creating the office of lieutenant-governor, reported that

they had considered the same and deemed it inexpedient to adopt said amendment. The committee further report as a substitute for said amendment the following amendment to article 49 of the Constitution ; to wit, at the end of article 49 add the following : "Whenever the chair, both of the governor and president of the Senate, shall become vacant by reason of their death, absence from the State, or otherwise, the speaker of the House shall during such vacancies have and exercise all the powers and authorities which by this Constitution the governor is vested with when personally present. But when the speaker of the House shall exercise the office of governor, he shall not hold his office in the House."

Mr. Lyman of Exeter : The convention will at once perceive my object in offering the resolution that I did. After an adjournment of the Legislature, if the governor and president of the Senate should die, there is no means whatever provided by which the government could be continued, because there would be nobody authorized to convene the Senate to choose a president of that body. In many States they have a lieutenant-governor, making him president of the Senate, with a casting vote. Occasionally in the organization of the Senate the case might occur where the Senate was equally divided, and the presiding officer to be elected might possibly fill the office of governor, and no member of either party would feel like voting for a person of a different political party to fill so important a place. I intended to go before the committee, but had no notice.

The amendment so promptly proposed by the committee at its first brief session, without notice or hearing, to take the place of that presented by me obviates only the chief difficulty I had in view, and that by making the speaker of the House acting governor if the vacancy named should occur. If the convention thinks this preferable to having a lieutenant-governor elected by the people for that purpose and also to preside over the Senate, I shall offer no objections, although it seems to me more in accordance with the genius of our government, more democratic, more republican, to leave the election to the people instead of making the smart young partisan politician and attorney, usually elected speaker, governor in case such a vacancy should occur.



The people would undoubtedly elect well-informed, substantial citizens from among their numbers, who are excellent presiding officers and whose presence would add to instead of detract from the dignity of the Senate, and who would, if called upon to fill the vacancy caused by the death, resignation, or inability of the governor, make a chief magistrate who would command the respect of the people, not only because he would discharge the duties of his office well, but also because they had themselves selected and elected him for that very purpose. This support of the governor would be far preferable to the support which might be given to a chief magistrate by the interests which may combine to elect a speaker with an eye to the making up of certain committees. The true way is to keep the government near the people and in their hands as much as possible. Then the difficulty which is liable to occur in organizing the Senate is left unprovided for by the committee's substitute. I think the election of a lieutenant-governor for the purpose of presiding over the Senate of some importance. If my memory serves me correctly, in 1855 the Senate could not and did not organize and meet the the House in convention, as required by the Constitution, till, neglecting the requirements of the fundamental law of the State, what few senators were elected went into the House, but not as a Senate, and the vacancies in the Senate were filled. In 1875 one party believed only five Republicans and five Democrats were elected to the Senate, and that the president of the Senate was elected by the votes of two men who had not been elected senators. An acting governor owing his election to two such votes would not be in an enviable position. All perceive that since we elect a governor only once in two years there is double the liability of a vacancy, and that some provision should be made to fill it in addition to that now in the Constitution.

The question being stated, the report of the committee was accepted and the proposed amendment adopted.

On motion of Mr. Hadley of Concord, the convention went into a Committee of the Whole to consider the resolutions relating to the methods of making future amendments to the Constitution.

## IN COMMITTEE OF THE WHOLE.

(Mr. Woolson of Lisbon in the chair.)

The chair stated that the convention was in Committee of the Whole for the consideration of proposed amendments relating to future methods of amending the Constitution, and that the resolution introduced by Mr. Hadley of Concord was before the committee for consideration.

Mr. Hadley of Concord: I offered a resolution relating to the matter under consideration, and I wish the convention to decide at an early day whether to approve of it or not. It is sufficiently simple in its statements, and, I presume, is thoroughly understood by all who have heard it. I am as much opposed to tinkering and meddling with the Constitution as any gentleman in this convention, and I have only proposed this measure from certain suggestions that have been made to me, and which I have heard from members, and from other sources for two years past, that it is desirable to have a more simple method of amending the Constitution. I had supposed that this proposition was sufficiently guarded to prevent any undue meddling with that instrument. Of course, the proposition, in the wisdom of the convention, may require some modification. According to the resolution which I have introduced, an amendment to the Constitution must be adopted by a majority of the members elected to the Senate and House of Representatives, the yeas and nays must be recorded, the amendment must be published with the laws of the State, and the people will have two years to consider the question. At the succeeding Legislature the proposition is to be taken up again, and, if passed, is to be passed by a majority of the members elected to both branches, not a majority merely of those who happen to be present and voting. When thus passed, the Legislature will lay it before the people, and the people, in meetings duly warned, must vote to adopt it by a two thirds vote, or it is rejected. It seems to me that there will be as much safety in this method as in leaving a question of amendment to be settled by a convention which will feel itself more or less limited in time. The question will be before the people two or three or four years. No bad measure, it seems to me, no

crude measure, can pass such an ordeal. There will be no temptation to undue meddling by the Legislature with the Constitution under those circumstances. It could hardly be the case that a bad measure would pass. It seems to me that there can be no objection to this method, on its merits.

Again, irrespective of the merits, I feel confident that the people would like to pass upon the proposition, and shall not we, as delegates of the people, leave it for them to decide? If they wish to retain the present system, sanctioned by the fathers (for whom I have the utmost respect), let them do it; but let us put the question to them to decide. I do not think it will incumber the other amendments. I do not desire that many amendments should be presented to the people, lest they reject them all; but it does not seem to me that there is any danger that this proposition would interfere with the adoption of others. I leave the matter for the consideration of the convention, but I think it should be disposed of at an early day, because we all desire to close the convention as soon as possible.

Mr. Smith of Manchester: I understand that there is another proposition with reference to the same matter, and I would like to have it read in order that we may compare the two side by side.

The resolution introduced by Mr. Davis of Warner was read.

Mr. Smith of Manchester: I am opposed to the measure introduced by the gentleman from Concord (Mr. Hadley). It has several objectionable features. I understand, if I heard it read correctly, that it repeals three articles of the Constitution and substitutes another in their place. It repeals so much of the Constitution as provides for taking the sense of the voters once in seven years upon the subject of calling a convention to revise the Constitution. This feature of the Constitution ought not, in my judgment, to be repealed. It was wisely put there by the framers of the Constitution in order that the people, at least once in seven years, might have an opportunity to express themselves as to whether they desired to amend their organic law. The resolution introduced by the gentleman from Concord (Mr.



Hadley) proposes to abolish that entirely, if I heard it read correctly. If I am mistaken, I should be glad to be set right.

Mr. Hadley : It does so. I wish to make the matter clear.

Mr. Smith : I like the resolution introduced by the gentleman from Warner (Mr. Davis). It provides an additional mode of amending the Constitution without the expense and the tedious delay of obtaining in the first place the sense of the people and then calling a convention. The substance of it is this : The Legislature may propose specific amendments to the Constitution whenever such amendments are agreed to by two thirds of each branch of the Legislature. In this respect it differs from the proposition of the gentleman from Concord which requires a majority of each branch for two successive Legislatures. According to the proposition of the gentleman from Warner, the yeas and nays are to be taken and entered upon the journal, together with the amendments, and the amendments are to be printed with the laws, as is also provided in the resolution introduced by the gentleman from Concord. Then, at the next biennial election, when there is a full vote of the people, the amendments are to be submitted to the people, and if approved by two thirds of the people voting, they become part of the organic law of the State. Do not these provisions sufficiently guard against improper amendments? No measure can be submitted to the people unless it secures the affirmative voice of two thirds of each branch, which is a sufficient guaranty that no improper measure will be submitted, then it requires a two thirds vote of the people. The proposition of the gentleman from Warner (Mr. Davis) provides a sufficient guaranty against the hasty adoption of amendments, and there is no unnecessary delay. The principal argument against the present method is that it is tedious and expensive. During the convention of 1850 and since, it became quite manifest that the people desired some simpler and less expensive mode.

We are following in the footsteps of other States. In nearly every other State in the Union some mode like this is devised for submitting amendments to the people. The only question can be, Are sufficient protections thrown around the measure to guard



against the introduction and adoption of amendments without due consideration? The two thirds vote required in each branch of the Legislature and by the people is a sufficient guaranty. I should be sorry to see the Constitution amended so that the people could not, if they chose, hereafter call another convention whenever they might desire to do so. I think we should present the anomalous condition of being the only State in the Union which could not call a convention to revise its organic law. That right should be preserved.

Mr. Hadley of Concord : It is objected that this proposition repeals article 99 of the Constitution, which provides for the calling of a convention every seven years. I supposed that was the very thing that everybody who wished for a change in this respect wanted repealed ; I supposed that the intention was to leave the matter hereafter to one or two Legislatures. The proposition of the gentleman from Warner (Mr. Davis) is to leave it to one Legislature to decide by a two thirds vote of members, as I understand, present and voting. I did not think that proposition would be likely to meet the requirements exactly, and therefore I proposed that amendments should be considered by two successive Legislatures as is provided in most of the States, and that a majority of the members elected to the two branches should decide, not two thirds of those who happen to be present and voting. I have no objection to putting a provision for a two thirds vote into this proposition, if that would be more desirable ; and if the convention wish to risk it with one Legislature upon a two thirds vote, I have no objection to that, for I really believe that there would be considerable security in that method. But there certainly would not be so much security nor so much opportunity for a careful discussion before the people while a measure was passing the ordeal, as there would be in the method which I have proposed.

Mr. Davis of Warner : What is the parliamentary position now ?

Mr. Smith of Manchester : I understand that both propositions are before the committee.

Mr. Davis of Warner: I move to substitute my proposed amendment for that of the gentleman from Concord (Mr. Hadley).

Mr. Hibbard of Laconia: I would inquire if it is understood that this is a motion to amend so as to make the proposition of the gentleman from Warner (Mr. Davis) an amendment adopted by the committee, or simply to lay aside the proposition of the gentleman from Concord (Mr. Hadley) for the present and take up the proposition of the gentleman from Manchester.

The Chair: Simply to substitute the consideration of one proposition for the other, for the time being.

The question being stated, the motion of Mr. Davis of Warner prevailed.

The Chair: The question before the committee is upon the proposition of the gentleman from Warner (Mr. Davis):

*Resolved*, That the Constitution be amended as follows: Amendments to the Constitution may be submitted to the people by the General Court, or any specific and particular amendment or amendments to the Constitution be proposed in the General Court and agreed to by two thirds of the members of each house present and voting thereon. Such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and shall be published with the laws passed at the same session; and it shall be the duty of the General Court to submit such proposed amendment or amendments to the people at the next succeeding biennial election, and if they shall be approved and ratified by two thirds of the qualified voters voting thereon, they shall become part of the Constitution of this State.

Mr. Davis of Warner: It is not my purpose to take up the time of this convention now. There are reasons why I prefer the proposition offered by myself. The gentleman from Manchester (Mr. Smith) has given, it seems to me, sufficient reasons why this method is preferable to the other.

Mr. Davis of Hopkinton : I should like to have the proposition read. There seems to be some question whether the vote of two thirds of those present and voting or two thirds of the members of the Legislature are required.

The resolution was read.

Mr. Colby of Claremont : I desire to inquire of the mover of this resolution whether it is intended that this shall be with or without a previous vote of the people showing a desire to have the Constitution amended. Perhaps the gentleman from Manchester (Mr. Smith), who has discussed the matter, can explain this. From what he said I understood he desired to retain that feature, — a determination by the people once in seven years whether the Constitution shall be amended.

Mr. Smith of Manchester : I move to amend the resolution now before the committee by striking out the words "present and voting thereon," and substituting in their place the words "of all members elected to each house." This obviates one of the objections raised by the gentleman from Concord (Mr. Hadley). In answer to the question of the gentleman from Claremont (Mr. Colby) I would say that, according to the resolution under consideration, the Legislature of its own motion can propose amendments to the people. Any member in one branch or the other of the Legislature may introduce an amendment to the Constitution ; if it receives a two thirds vote of all the members elected to that house, it then goes to the other ; if it receives a two thirds vote of all the members elected to that house, it goes to the people, after being recorded with the yeas and nays in the journals and published with the laws, to be voted upon, not at a special election when perhaps but few voters are present, but at the next biennial election when the largest number of voters attending an election is present. It does not require in the first place the assent of the people that a proposition shall be submitted in the Legislature, but amendments may originate in the Legislature. I think this is an answer to the question of the gentleman from Claremont, as I understand it.

Mr. Colby of Claremont : The question that I asked is not exactly met. I understood the gentleman (Mr. Smith) to say

that he wished to retain that feature of the Constitution which requires a vote once in seven years to ascertain the will of the people as to whether the Constitution shall be amended. Now in this proposed scheme does not that provision become a nullity? Is there any place where that operates at all?

Mr. Smith of Manchester: It does not become a nullity. This proposes an additional mode of amending the Constitution. It leaves the old method unaffected, and whether the Legislature does or does not propose amendments to the people for their ratification, the people will once in seven years have the opportunity to vote whether they will call a convention for the purpose of revising the Constitution. The two provisions will stand side by side; there will be two modes of amending the Constitution, — one by amendments originating in the Legislature and submitted to the people, the other by amendments originating in a convention whenever the people shall vote to call one. The advantage of giving the Legislature power to present amendments to the people is, that if the people get such amendments to the Constitution as they desire, they will not vote to call a convention, and the expense of a convention will be saved. I move the amendment which I have suggested.

Mr. Hersey of Keene: It seems to me there is a serious objection to the proposed amendment. According to the present method of amending the Constitution it has a brief rest, to say the least; it is meddled with but once in seven years. The indications are that most of us members of this convention would like to tinker with the Constitution, — in some way or other we desire it to be changed. Should the proposition under consideration become a part of the organic law, every Legislature that sits will be deluged with propositions for changing the Constitution, and every biennial election will raise a discussion upon questions which bear upon the organic law of the State. It seems to me that the people should not be required to watch the Constitution all the time; once in seven years is certainly a short enough time for the Constitution to be disturbed. I think this scheme would constantly keep the question of amending the Constitution before the people and continually make trouble for them.



Mr. Wallace of Milford : I am opposed to any change in the method of amending the Constitution. In the first place, the method which we now have has worked with entire satisfaction during the hundred years or so in which it has been in operation, and it is always safe to let well enough alone. In the second place, if I understand this proposition, it would devolve upon the Legislature to formulate amendments to be submitted to the people. Now I think it is a great deal more desirable that a body such as this body, a non-partisan body, should have charge of that duty — the formulating of amendments to be submitted to the people — rather than a body like a Legislature, which is often influenced by partisan considerations.

Mr. Ladd of Lancaster : I agree with the gentleman (Mr. Wallace) who spoke last in regard to this matter. I remember reading of a celebrated painter in some ancient city, I think, who produced a magnificent picture, a great work of art ; and it was so fine, and he was so well satisfied with it himself, that he invited the criticism of all his brother artists in the city. For that purpose he exposed it in a public place, and laid brushes and paint near by, and invited all the painters to make such alterations and changes as they thought would improve it. The result was that in a very short time nothing was left of the picture but a meaningless daub of paint ; the original design had entirely disappeared.

I have not yet heard a reason which seems to me sufficient for changing the mode of amending the Constitution. The only argument that has been offered of any weight in favor of the proposition of leaving it to the Legislature to make suggestions for amendments to be proposed to the people is that the expense of holding a convention might be saved. Now it seems to me that the Constitution, being the work of the people drawn up in convention and agreed to by the people in their primary capacity, not in their representative capacity, not acting as a Legislature, ought to be changed or amended only in the same way. The idea is, and the fact is, that the Constitution comes from the people directly, and, as has been well suggested, it seems to me if it should be left for the Legislature to propose amendments, there would be, judging from our experience, many members in the successive Legislatures who would have projects of

their own for improving and changing the fundamental law of the State, which would be crude and erratic, impracticable and unwise, and the result would be that the people would very often be called upon to pass upon propositions to amend the Constitution. There is a disposition to avoid responsibility by handing questions over to the people to be acted on by them which ought to be disposed of by the Legislature. Proposed constitutional amendments are not apt to attract so much notice as they ought, and the votes upon them are not generally very full. It seems to me that there is a serious objection to opening the doors of the Legislature to all manner of projects for changing the organic law of the State. I fear there would be great danger of the original work being destroyed or greatly impaired in its symmetry and beauty, and that we should too soon find ourselves contemplating an unsightly daub in place of what we now so justly admire and venerate.

It is said that a method similar to that proposed has been adopted in many States. I repeat the remark which I made here yesterday, that while we should look to history for examples for guidance, yet I think those schemes for amending the Constitutions of the several States through the action of the Legislatures have not been long enough tried anywhere so that they have passed beyond the region of experiment; and, so far as I have looked into the matter, they have not been entirely satisfactory in their operation. Several of the States where such schemes have been adopted, where I have looked into the Constitutions, have their organic laws, even now, lumbered up with enactments which ought to be on the statute books and nowhere else. Take, for example, the Constitution of the great commonwealth of Pennsylvania, which has a method of amendment identical, I think, with the amendment proposed by the gentleman from Concord (Mr. Hadley). It is true the method looks quite safe, as has been suggested. Doubtless it presents considerable barriers against the adoption of crude or ill-considered amendments; but whether as a result of that or some other cause, it is true that the Constitution of that great commonwealth is, as I have just remarked, lumbered up with a great variety of provisions which are nothing more nor less than statutes, — provisions with respect

to railroads, telegraph companies, and other corporations, and with a great variety of provisions concerning the detail of the management of the affairs of municipal corporations, cities, and towns, — so that, in order to find out what you would ordinarily regard as statute law in Pennsylvania, you must examine the Constitution as well as the statutes of the State. It seems to me that the two things ought to be kept separate, that we are safer resting upon the original idea of the fathers (for whom I confess I entertain not only respect but veneration), that the amendment of the Constitution should not be a thing to be lightly undertaken. Every line of our Constitution shows that it was framed by men of great learning, of great research, and of profound thought upon the principles of government, and their idea was that the two things — the framing of the Constitution and the framing of statutes — should be kept separate. We have a most admirable declaration of the great fundamental rights of the citizen, which had from time to time been threatened and invaded in the mother country, from whence, to a considerable extent, our scheme of government was derived. The fact that those rights had been imperiled more than once was fresh in the minds of the fathers, and their first object was to guard them; so we have a most admirable declaration, in particular and general terms, of the rights of the citizen. Then comes the Constitution, which simply provides a scheme of government in general terms for the administration of the affairs of the State; and there it leaves it, and there I would leave it. With my present impressions I should vote against incorporating any matter into the Constitution which is properly a matter for legislative cognizance and which properly comes within the range of the Legislature in passing statutes, that is, establishing rules to govern the people of the State in their dealings with each other, and in conducting the affairs of life as an enlightened and Christian community. Public opinions change and the times change, and therefore the main body of the law ought to be left so that it can be changed by the representatives of the people according to the circumstances and situation of things at the time the changes are made. If a law is not sustained by public sentiment it is no law at all, in any proper sense of the word. A provision



put into the Constitution which is not substantially sustained by the sentiment of the people, is a dead letter. We have an illustration of that in our Constitution in the religious test, which has been kept there year after year for a century almost, but is a dead letter as everybody knows. Many illustrations of this principle could be adduced from the statute laws of the State. As a great writer, Mr. Emerson, says, — I do not quote the words exactly, — “A law, or what has the form of law, a legislative enactment, that is not sustained by public sentiment, by the will of those who are to be governed by it and act under it, is a rope of sand which falls to pieces in the twisting of it.”

I think the Constitution as left by the fathers goes far enough when it distinguishes the power of the people to amend the Constitution from the power of the Legislature, which has its own range and scope. I would leave this great instrument, unsurpassed on this Continent, in my judgment, for wisdom and farsightedness, secure from the profane hands of political charlatans and demagogues and cranks, and secure from the sudden, but oftentimes dangerous, squalls of popular excitement and clamor, which will always find ready exponents in the Legislature. I would leave it to be amended, as it is now, by the people, acting first in a convention called for that purpose, and then in their primary capacity by a two thirds vote, and I would exclude the Legislature, as they are now excluded, from any part or lot in the matter forever.

Mr. Armington of Whitefield : I suppose it is the intention of most of the delegates here to make changes which are absolutely needed in the Constitution for the interests of the people of the State. In case of doubt as to any amendment that should be introduced, I think that a majority of the members will cast their vote against it and give the Constitution the benefit of the doubt. I think that no matter who originates a proposition in this convention, if it is not clearly, almost beyond discussion, for the benefit of the State, it should not be adopted. Now what change has happened in this State since the adoption of the Constitution which requires an amendment of this kind? If nothing has happened that requires it, why is the Constitution not right as it is? The Constitution of our forefathers should



be held sacred by us. Now what change is demanded? I find none. It is suggested that it will save a little expense. I think, gentlemen, "the proof of the pudding is in the eating." We have had our present method of amending the Constitution since its adoption, and we have had no occasion to find fault with it. A convention elected under the present method comes directly from the people and is uninfluenced by the partisan questions which often affect Legislatures. The delegates of the convention come here with a single purpose in mind, — the real benefit of the people. Changes in the Constitution should be kept clear of political entanglements and free from those influences that ordinarily affect a Legislature. It seems to me, that for the purpose of saving a few dollars this doubtful experiment should not be made.

Mr. Bartlett of Manchester offered the following resolution :

*Resolved*, That it is the sense of the committee that it is inexpedient to amend the Constitution in relation to the mode of making future amendments to the same.

The question being stated, the resolution was adopted.

On motion of Mr. Leighton of Manchester, ordered that the committee rise and report progress.

#### IN CONVENTION.

(The president having resumed the chair.)

Mr. Woolson, chairman, from the Committee of the Whole, reported that the committee had had under consideration the several resolutions proposing to change the method of amending the Constitution and had adopted the following resolution :

*Resolved*, That it is the sense of the committee that it is inexpedient to amend the Constitution in relation to the mode of making future amendments to the same.

The question being stated, the report was accepted and resolution adopted.

Mr. Walker of Concord moved that the convention resolve itself into Committee of the Whole for the consideration of the resolution relating to the amendment of article 24, part second of the Constitution, relating to the method of demanding the yeas and nays of members of the House and Senate, introduced by him.

Mr. Briggs of Manchester: I suppose the motion of the gentleman from Concord (Mr. Walker) is not debatable, but I want to say that this question is before us and we have got to meet it. We have no time to waste, and I hope the motion will prevail.

The question being stated, the motion was adopted.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Colby of Claremont in the chair.)

The proposed amendment introduced by Mr. Walker of Concord, relating to the method of demanding the yeas and nays in the Legislature, was before the committee for consideration.

Mr. Walker: It is hard to prove a self-evident proposition. As the Constitution now stands, upon motion made by any one member the yeas and nays of any question shall be entered on the journal. The resolution before the committee is simply to change that provision so that the yeas and nays can be called by four members of the Senate instead of one, and by thirty members of the House instead of one. I do not know as it is necessary to argue this matter, but it may be well enough to call attention to a few facts in regard to it. This provision is not only in the Constitution now, but it was in the Constitution of 1792 and it was in the Constitution of 1781. I think it was not in the first Constitution ever adopted by the State, the temporary Constitution of 1776. It has certainly been in the Constitution for a hundred years or more. Now when this provision of the Constitution was first enacted, there were in the House of Representatives of this State only ninety members or less, and the provision then gave to any one man of the ninety the privilege of calling the yeas and nays. We have grown, and our Legislature

now has about three hundred and twenty members ; and as the provision stands to-day, any one man out of the three hundred and twenty can compel three hundred and nineteen men to answer to the yeas and nays, and as often as he sees fit so to do. In other words, three hundred and nineteen men are held at bay by a single man who chooses at any time, for the purpose of obstructing legislation or for any other purpose, to demand that that time be consumed in calling the yeas and nays.

In other States they have outgrown this idea of giving to any single member this right to annoy his associates and obstruct legislation. In this body the yeas and nays can be ordered, according to our rules, by any ten members of the convention. Vermont, as I understand, still allows any one member of the Legislature to call for the yeas and nays. By the rules of the Legislature of Massachusetts it requires thirty members of a House composed of two hundred and forty members to call the yeas and nays. In Maine it requires one fifth of the whole body of the House or Senate ; the same rule prevails in Rhode Island and also in Connecticut. According to the Constitution of the United States, the yeas and nays can be demanded only by one-fifth of the members present.

It seems to me that this question needs but very little argument. I have inserted in the resolution which is before you the number "four" for the Senate, which is one sixth of that whole body ; and for a call of the House of Representatives the number "thirty," instead of a fractional number, from the fact that it is easier for the speaker to count out thirty than it would be to determine any fractional part of the whole body present. I am not tenacious as to the number, but I think we have got to a point where we ought to have some change. It would be a very slight change of two or three words in the Constitution ; it would not "lumber up" the Constitution at all. I think it is one of those changes which must commend itself to all persons who have had experience in legislation.

Mr. Hatch of Greenland : The gentleman from Concord (Mr. Walker) has detailed the objection to the present provision, but he has failed to state the object of the framers of the Constitu-

tion in adopting that method. I understand the purpose to have been simply this: that the members of the Legislature when they come here shall be made accountable and responsible to their constituents. Their constituents have a right to understand how each member votes on any question. All I have got to say is, that to my mind the reason in favor of the present method outweighs every objection that can be submitted, and I hope the resolution will not be adopted.

The question being stated,

Shall the resolution relating to the method of demanding the yeas and nays in the General Court be adopted?

It was decided in the negative.

On motion of Mr. Woodman of Concord, ordered that the committee rise and report progress.

#### IN CONVENTION.

(The president having resumed the chair.)

Mr. Colby, chairman, reported that the Committee of the Whole had considered the proposed amendment to the Constitution in relation to a record of the yeas and nays of members of the House and Senate and had rejected the same.

The question being stated, the report was accepted and adopted.

On motion of Mr. Sanborn of Wakefield, the convention adjourned.

#### AFTERNOON.

The convention met according to adjournment.

(The president in the chair.)

Mr. Weeks of Canaan offered the following resolution:

*Resolved*, That article 78 of the Constitution, relating to the tenure of service of judicial and other officers, be amended by



adding at the end thereof the words, "unless thereafterwards appointed for a definite period of time."

The resolution was referred to the Committee on Judicial Department.

Mr. Hayes, from the Committee on Bill of Rights and Executive Department, to which was referred the proposed amendment limiting the term of office of justices of police courts to a period of five years, reported the following resolution :

*Resolved*, That it is inexpedient to adopt such amendment.

The report was accepted and the resolution adopted.

Mr. Kelley of Weare offered the following resolution :

*Resolved*, That article 9, part second of the Constitution, be amended by striking out the word "eighteen" in the eighth line, as it is printed for the use of the convention, and inserting in place thereof the words "twenty-four ;" also, by striking out the word "twelve" in the tenth line, and inserting in place thereof the word "eighteen."

The resolution was referred to the Committee on Legislative Department.

Mr. Woolson of Lisbon moved to amend the rules of the convention as follows :

Amend rule 10 by striking out the words "and the rule relating to calls for the yeas and nays," and by adding at the close of said rule the words "and rule 9."

Mr. Hatch of Greenland : I fail to see how that will change the order of procedure in this convention.

Mr. Woolson : I understand that the call for the yeas and nays in Committee of the Whole is not in accord with any authority on parliamentary law. It was inserted in the rules of 1876 because the work was done in Committee of the Whole, and the other committees were simply to put in form what was done in the convention. The method of proceeding is entirely different in this convention. There is no necessity for the rule allowing

the yeas and nays to be called in Committee of the Whole, and the reason given in Robinson's work on parliamentary law is that nothing is concluded there, and it would subject the members to two calls on the same question.

Mr. Hatch : I agree with the gentleman (Mr. Woolson) fully, but I fail to see how striking out those words will attain his end, because the rule with reference to the call of yeas and nays (rule 9) is a part of the rules of the convention, and if you amend as proposed, rule 9 is still one of the rules of the convention. You have got to amend by adding "except rule 9."

Mr. Woolson : I accept the amendment. I did not read rule 9.

The President : The motion of Mr. Woolson as amended is in this form :

Strike out the following words of the last line on page 44 of the rules, "and the rule relating to calls for the yeas and nays," and at the end of the rule add the words "and rule 9," so that if adopted the latter part of rule 10 will read as follows : "and the rules of proceeding in convention shall be observed in Committee of the Whole, except the rule limiting the times of speaking, and rule 9."

Mr. Davis of Warner : I suppose the purpose of the amendment is to do away with calling the yeas and nays when the convention is in Committee of the Whole. In that case, if I am right in my understanding, the yeas and nays cannot be called on questions that come before the convention, other than such as the Committee of the Whole has reported.

The President : The language of the rule is that "every question shall be decided by yeas and nays, whenever a demand for the same shall be made and sustained by at least ten members."

Mr. Briggs of Manchester : It is not the practice to have a roll-call in the committee of the whole house. That practice might have been adopted in 1876, because the method of procedure was somewhat different from ours. The object of the gentleman from Lisbon is simply to do away with the roll-call in Committee of the Whole.

Mr. Gilmore of Manchester: It has not bothered us any yet.

Mr. Briggs: It has not bothered us any, but it may. The amendment will not deprive anybody of voting yea or nay upon any proposition which comes before the convention in any form. By changing the rule you lose none of your rights; you can make all the record you need to. I hope the amendment will prevail.

The question being stated, the amendment was adopted.

On motion of Mr. French of Nashua, the convention went into Committee of the Whole for the consideration of the proposed amendment relating to the election of civil officers by a plurality vote.

IN COMMITTEE OF THE WHOLE.

(Mr. Hibbard of Laconia in the chair.)

The question being stated,

Shall the proposed amendment to the Constitution introduced by the gentleman from Manchester (Mr. Smith) be adopted?

Mr. Pillsbury of Derry offered the following resolution as an amendment to the pending question:

*Resolved*, That the amendment proposed by Mr. Smith of Manchester be so amended as to make the plurality rule apply to the election of all officers elected under the laws of the State.

The Chair: The question before the committee is, Shall the resolution introduced by the gentleman from Derry (Mr. Pillsbury), which is a substitute for the original resolution introduced by the gentleman from Manchester (Mr. Smith) with reference to the election of civil officers by plurality vote, be adopted?

Mr. Durgin of Concord: We have just adopted an amendment to our rules, taking away the right of calling the yeas and nays in committee of the whole. Now, if the resolution before the committee should be decided in the negative here, will we have an opportunity of acting upon it before the convention?

The Chair: The impression of the chair is that the amendment acted upon by the committee, if it originated in the committee, might be moved in the convention. According to parliamentary law, the body that constitutes itself a Committee of the Whole is not supposed to have any knowledge of any transactions in the Committee of the Whole except what is reported by the chairman.

Mr. Lyman of Exeter: There is no question that the chair is right. If this amendment is voted down here, it can be moved again in the convention; the report of the committee may be accepted, rejected, or amended by the convention.

Mr. Pillsbury of Derry: I hope that the resolution will be adopted by the convention. I feel the more impelled to ask it because I know that throughout the State, and especially in some of the country towns, there is a strong feeling that a plurality should elect our town officers. Although I am in favor of the proposition of the gentleman from Manchester (Mr. Smith), that a plurality should elect our state officers, I feel that it is not of so great consequence as that a plurality should elect in our town elections, because the time of a great many of our busy people is uselessly occupied, especially in large towns. In the town I live in there is a great dread of having election come round; there are many men who dislike to attend at the town-house and spend one, two, or possibly three days in electing town officers. Even before the close of the first day many of the best men become weary and return home. They do not like to wait there in the tobacco smoke so long a time. I feel there is a strong demand among the inhabitants of those towns that a plurality should elect as in other States, where a very few minutes only are required to enable them to perform their duties and return home. In these larger towns many of the best men, who have homes to which they desire to return and who have property which requires their care, are the ones who go home first, while those who have nothing at stake and a few earnest politicians remain, conduct the business of the town, and control its elections. For this reason I desire to have the committee adopt this resolution.



Mr. Lyman of Exeter: There is nothing in the Constitution to prevent the Legislature passing an act providing that a plurality shall elect all town officers and representatives.

Mr. Pillsbury: As we cannot get such an act through the Legislature, I think this is a good time, when we are amending the Constitution, to adopt the plurality rule, if it should be thought by the convention that it is the true rule, and let it apply to all cases.

The Chair: Will the gentleman from Derry state what construction he puts upon his amendment, whether it applies to all officers elected under the Constitution or the laws, or only to the election of town officers?

Mr. Pillsbury: I intended it to apply to the election of all officers under the law.

The Chair: Then the chair will state the practical effect of the resolution introduced by the gentleman from Derry, as construed by him. It is to strike out the words from the original resolution, "whose election is provided for by the Constitution," so that the original resolution as amended, if so amended, will read, "In all elections of civil officers by the people of this State, the person having the highest number of votes shall be deemed and declared elected."

Mr. Melcher of Laconia: It seems to me it would be better to leave the resolution as it was originally, and allow the Legislature to make laws relative to the election of town officers. In the last constitutional convention the matter of minority, or cumulative, representation was discussed, I believe, in the election of representatives and supervisors in towns, so that the minority might have a representative, — that in case three or more officers were to be voted for on one ticket, of the same grade, voters might concentrate their votes, that is, they might put in three ballots for one man, or two ballots for one man and one for another, if there should be three officers to be chosen. In that way there would be a minority representation on the board of selectmen or board of supervisors, which it seems to me is very

desirable. For that reason I hope the matter will be left as it is, hoping that the Legislature may see the wisdom of providing for minority representation.

Mr. French of Nashua: How would this resolution as to method stand in the Constitution if there was a tie? The Constitution used to provide for such things. This proposition does not provide for that.

Mr. Lyman: Of course there would simply be no election, and you would have to try over again.

Mr. Durgin of Concord: It seems to me that the provision would apply to every corporation that is chartered by the Legislature, because corporations take their authority from the laws of the State, so that every corporation, bank, railroad, and everything chartered by the State would have to come under the plurality rule.

Mr. Briggs of Manchester: If I understand this question, it is substantially this: There are certain officers which the Constitution of the State requires to be elected by a majority vote, — governor, members of the Senate and members of the council; I think those are all. Municipal officers and members of the House of Representatives, upon the passage of a law by the Legislature, can be elected by a plurality vote as the Constitution now stands. The amendment offered by the gentleman from Manchester (Mr. Smith) was to make provision for the election of those officers which the Constitution now requires to receive a majority so that they may be elected by a plurality. The amendment proposed by the gentleman from Derry (Mr. Pillsbury), if adopted, will make all officers elected by a plurality.

My first impression when this matter was introduced was rather favorable to the plurality system, but the more I have thought upon the subject the more I am satisfied we had better leave the matter as it is. It has not worked any very serious mischief in the last hundred years of our history; I do not suppose it will in the hundred years that are to come. There is no universal desire among the people of the State that we should change this old charter of our liberties in this way; there is no

public demand anywhere that we should make the change. At times it would be convenient; there have been times when it would have been very satisfactory to my own feelings if we could have elected by a plurality, and times when it would not have been. I prefer the present system; it has its advantages and objections. In the last election there were four senatorial districts in which there was no choice. Had this provision been in the Constitution, we should have elected in two of them and the Democrats would have elected in two. No great harm done either way.

A Delegate: Who is "we"?

Mr. Briggs: The Republican party. There is no doubt where I stand; when I said "we" I meant it. And so it has been in the past history of the State.

Now there is another thing to be considered. The theory of our state governments is that they are governments by a majority. Our Constitution provides for the election of certain officers according to this theory. You change that provision and our government may become the government of a minority, because we might have a man elected as governor of this State who was a minority candidate; there might be a large majority against him. If you have three candidates, and two of them receive one vote less than the third, the third candidate would be elected, but he would not be the choice of a majority of the people. As it is now, in case there is no election by the people the selection is made from the two highest candidates. I do not just like that method; but, as I said in the beginning, I am of the opinion that we had better let the whole matter rest just where it is until we see such evil results from its operation that the people come up and demand that the change be made. There are two or three changes which the people expect to be made, if I understand the public sentiment. The first is that we shall change the time of the meeting of the Legislature; the second is that we shall fix a salary. How effective these changes may be I do not know, but I think the public generally expect these amendments will be made, and if we go much beyond that we shall find when the votes are counted that we have not a two

thirds vote to ratify the proceedings of this convention, and our time will have been thrown away.

The question being stated,

Shall the amendment offered by the gentleman from Derry be adopted ?

A division was called for with the following result :

Seventy-six members having voted in the affirmative and one hundred and twenty-seven in the negative, the amendment was rejected.

The question recurred upon the adoption of the resolution offered by Mr. Smith of Manchester.

The question being stated, a division was called for with the following result :

One hundred and three members voted in the affirmative and one hundred and fifteen in the negative, and the resolution was rejected.

On motion of Mr. Briggs of Manchester, ordered that the committee rise and report progress.

#### IN CONVENTION.

(The president having resumed the chair.)

Mr. Hibbard, chairman, from the Committee of the Whole, reported that the committee had had under consideration the proposed amendment to the Constitution, introduced by Mr. Smith of Manchester, providing for the election of civil officers by a plurality vote, together with the several amendments thereto, and had rejected the same.

The report was accepted and adopted.

Mr. Harvey of Surry introduced the following resolution :

*Resolved*, That article 10 of the Constitution be stricken out, and article 11 be amended so as to read as follows: " Whenever any town, place, or city ward shall have less than six hundred



such inhabitants, the General Court shall authorize such town, place, or ward to elect and send to the General Court a representative such proportional part of the time as the number of its inhabitants shall bear to six hundred. But the General Court shall not authorize any town, place, or ward to elect and send such representative except as herein provided."

Mr. Ladd of Lancaster : That matter, with reference to classed towns, is under consideration by another committee, and gentlemen have been before the committee and made known their views on the subject to a considerable extent. A further opportunity will be given to gentlemen interested in the matter to appear before the committee upon the adjournment of the convention. Possibly it may be thought best to consider this resolution in connection with the proposition relating to the same subject which is now before the committee.

The resolution was referred to the Committee on Future Amendments.

Mr. Briggs of Manchester : There is considerable work before the committees of the convention that ought to be attended to. I do not know of anything to come before the convention at this time, and for the purpose of giving the committees an opportunity to work I move that the convention do now adjourn.

The motion prevailed.

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THURSDAY, JANUARY 10, 1889.

The convention met according to adjournment.

(The president in the chair.)

Prayer was offered by the chaplain.

The reading of the journal of the preceding day was begun, when, on motion of Mr. Bartlett of Manchester, the further reading was dispensed with.

## REPORTS OF COMMITTEES.

Mr. Walker, from the Committee on Legislative Department, to which was referred the resolution providing that article 26 of the Constitution be amended by striking out the words "by the proportion of direct taxes paid by the said districts," and inserting instead thereof the words "by the legal voters in said districts," reported that the committee are of the opinion that it is inexpedient to amend the Constitution as proposed in said resolution.

The report was accepted and the proposed amendment was rejected.

Mr. Woolson, from the same committee, to which was referred the resolution introduced by Mr. Todd of Atkinson, proposing to amend the Constitution in relation to filling vacancies in the Senate, reported the same with the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution in the manner proposed.

Mr. Todd of Atkinson: I am very sorry that the committee have made this report, because I think the amendment proposed is one that should pass. As it is now, in case of a vacancy by death we have only two courses: we must choose the candidate who had the next highest number of votes, and in that case he would be of the opposite political party, and the district would be misrepresented; or, we must select an individual who had one, two, three, or four votes cast for him, perhaps in joke, and who would represent nobody. There have been two instances to which I wish to refer. In 1871 there was an election where Alvah Smith had four votes, Albina Hall 2,567 votes, and Samuel P. Thrasher 2,595 votes. Samuel P. Thrasher died, and the Legislature had to fill the vacancy from one of the two other men. Albina Hall had the next highest number of votes, but he was a Republican, of the opposite party. They did not select him, and if they had he would not have represented the district; but they selected Alvah Smith, in accordance with a bargain, as was generally believed. One gentleman told me that

by so doing it was the salvation of the party. Perhaps it was, but the next time it may be a curse to the party. I do not think the result showed that a single man who voted for that Alvah Smith but felt ashamed of his action, as I understood the gentleman from Dover to state the other day. He represented nobody, and nobody was proud of him.

There was another case in the Legislature of 1883. Daniel S. Dinsmore had 2,338 votes, Jonathan Taylor had 1,549 votes, David Shaw had four votes. Daniel S. Dinsmore died, and a selection had to be made, either of Mr. Taylor, who did not represent the district politically, as he had almost a thousand less votes than the one who was chosen, or of David Shaw, of a tainted name, as the Manchester "Mirror" said, a man who should not sit in this hall; and although David Shaw was said to be a tainted man, — I know nothing about it except what the Manchester "Mirror" said, and nobody denied it, — he had a large vote, and if party exigency had required his election he would have been elected. But every man who voted for him would have felt as the gentleman from Dover did in regard to that other man, Mr. Smith. They chose Mr. Taylor, a highly respectable man, but he did not represent his district politically.

Now the only fair way is to send the election back to the people and let them vote again, and let a majority rule, as it ought to. I am very sorry that the committee has made this report, and I hope that the good sense of the convention will overrule the action of the committee.

Mr. Lyman of Exeter: I am afraid the convention does not understand the report of the committee. The proposition is that when there is a death of a senator-elect there shall be a new election in that senatorial district, instead of having the vacancy filled as now provided. The committee has reported against that proposition and in favor of having it remain as it is. Now all who vote in favor of sustaining the report of that committee vote in favor of letting the election of senator in case of death, and also in case of non-election, remain as it is.

Mr. Davis of Hopkinton: I understand there were two propositions for amendment of a similar nature before the commit-

tee, and, if it is proper, I would like to inquire if both propositions were taken under consideration and if both are covered by the report. The other method proposed was different from this. This proposition is for an election by proclamation by the governor, and the other was for an election by the vote of the senators elected.

The President: The report of the committee on the other proposition has been handed me, and will be acted upon in its turn.

Mr. Todd of Atkinson: I would state that the only difference between the proposition of the gentleman from Hopkinton and my own is this: In his you could not have a new election except on the order of the Senate; in the proposition which I introduced, the election may be had on the requisition of the governor. The objection to his proposition is that perhaps two or three weeks might elapse before the vacancy could be filled; by my proposition, of course the governor could send out his requisition as soon as the death occurred, and the senator could be here at the opening of the session.

Mr. Parsons of Franklin: The proposition which is before the convention at this time, and on which the committee has reported that it is inexpedient to legislate, is that in case of a vacancy in the Senate arising from failure to elect, death, removal out of the State, or otherwise, it shall be filled by a new election by the people. The proposition introduced by Mr. Davis of Hopkinton is to fill vacancies arising from failure to elect in the manner now provided by the Constitution, but to fill all vacancies arising otherwise than from failure to elect by a new election by the people. In Mr. Davis's proposition the election to fill the vacancy is to be had upon the order of a majority of the senators elected; in the other proposition the election is to be held upon the requisition of the governor; but that is not the main and substantial difference between the two propositions. The substantial difference is that the proposition now under consideration applies to all vacancies, and the one offered by Mr. Davis applies only to vacancies resulting other than from a failure to elect.



This convention has already decided in favor of the majority rule in the election of senators. Now, if there has been one election by the people and it has failed because no candidate has received a majority, — usually because no one political party has a majority in the district, — is it not folly to send the same question back to the same people to try it over again? It is attempting what, from the political division of the district, cannot be done. In such a case the provision that the election shall be by the Legislature seems reasonable and just; but in the other case, where a candidate has received a majority and then died, resigned, or removed from the State, a majority of the people in the district are shown to be of one political faith, and it seems unreasonable that the Legislature should elect some candidate who has received a small number of votes, and usually not of the party in majority in the district. The Constitution, as it stands now, provides in the first place for an election in case of failure to elect, and then it says that in like manner other vacancies shall be filled. I do not think that the ordinary mind would understand from the Constitution that it intended that the Legislature must elect one of the two other persons receiving the highest number of votes in case of a vacancy by death or resignation; but the legal interpretation has been that they must do so. As the proposition under consideration stands, the question goes to the people for a new election, although the parties in that district may be so divided that no candidate can get a majority; that is simply trying to do something that cannot be done.

I urge that we now adopt the report of the committee; then, if it is the judgment of the convention that in the cases Mr. Todd has referred to, — vacancies by death, — such vacancies should be filled in the manner he proposes, then the way will be open to adopt a resolution to that effect, leaving the vacancy caused by failure to elect to be filled as is now provided.

Mr. Davis of Hopkinton: The gentleman from Franklin (Mr. Parsons) has explained my bill as it is and as I was intending to explain it. Perhaps there is one method of ordering the new election better than the one I suggest. I am inclined to think that the method of the gentleman from Atkinson (Mr.

Todd), by proclamation from the governor, is perhaps better than ordering the new election by the Senate.

The question being stated upon the amendment proposed by Mr. Parsons,

Mr. Todd : I will accept the amendment. My only object was not to have an Alvah Smith or David Shaw here.

Mr. Pitman of Conway : I rise to a point of order. I believe the question before the convention is upon the adoption of the report of the committee. Until that report is either accepted or rejected is this resolution subject to amendment ?

The President : I think it cannot be done at this stage. If the proposition had been to amend the report of the committee, that would have presented a different question.

Mr. Parsons : I think that the motion to amend the resolution is out of order, but it would be in order to amend the report of the committee. The suggestion is made to me that to bring the latter properly before the convention the motion might be made to strike out the word "not" in the report, which would then be that it is expedient to legislate upon the subject, and then the question would be before the convention.

The President : It seems to me that it is not necessary to make any motion to amend. If the convention vote against the acceptance of the report, then, as I understand, the resolution will be before the house.

The question being stated,

Shall the report of the committee be adopted ?

The report was rejected.

The question recurred upon the adoption of the resolution.

Mr. Parsons of Franklin moved to amend the resolution as follows :

Strike out the words "failure to elect," after the word "from," and insert after the word "otherwise" the words "except from failure to elect."

The question being stated, the amendment was adopted.

The question being stated, the resolution was adopted.

Mr. Amidon, from the Committee on Legislative Department, to which was referred the proposed amendment to article 34 of the Constitution, introduced by Mr. Davis of Hopkinton, reported the same with the following resolution :

*Resolved*, That it is inexpedient to adopt the proposed amendment.

The report was accepted and the resolution adopted.

Mr. Blodgett, from the same committee, to which was referred divers resolutions relative to reducing the membership of the House of Representatives, reported the same with the following resolution :

*Resolved*, That it is inexpedient at this time to act upon the subject.

The report was accepted and the resolution adopted.

The same gentleman, from the same committee, to which was referred the resolution fixing the salary of the members of the Senate and House of Representatives, reported the same with the following substitute :

Amend part second of the Constitution by striking out article 15, and inserting and substituting in place thereof the following :

“ARTICLE 15. The presiding officers of both houses of the Legislature shall severally receive out of the state treasury, as compensation in full for their services for the term elected, the sum of two hundred and fifty dollars, and all other members thereof, seasonably attending and not departing without license, the sum of two hundred dollars, exclusive of mileage ; *provided, however*, that when a special session shall be called by the governor, such officers and members shall receive for attendance an additional compensation of three dollars per day, for a period not exceeding fifteen days, and the usual mileage.”

The report was accepted and the proposed substitute adopted.

(Mr. Bartlett of Manchester in the chair.)

Mr. Briggs, from the same committee, to which was referred the proposed amendment introduced by Mr. Blake of Fitzwilliam, changing the time of holding sessions of the Legislature from June to January, reported the same with the following amendments :

Amend articles 3, 25, 32, 33, 42, 43, 60, and 66 of part second of the Constitution by striking out the word "June" wherever it appears in said articles, and inserting the word "January" therefor; and by striking out the word "first" before the word "Wednesday" in the fourth line of article 3, part second, and inserting the word "second" therefor.

The question being stated,

Shall the report of the committee be adopted ?

Mr. Hibbard of Laconia moved to amend by striking out the word "second" before the word "Wednesday," and inserting the word "first" in place thereof.

Mr. Hibbard : I do not believe that this amendment recommended by the committee should be adopted. I think that the time designated in the Committee of the Whole, the first Wednesday in January, is preferable. I know of no good reason for not commencing the proceedings of the Legislature as early in January as it may be assembled. According to the judgment of most of the delegates in this convention, so far as can be gathered from their action upon the salary question, a legislative session of two months or a little more will be sufficient, and the Legislature probably in most cases will transact the business within that period of time. Now, the annual election, according to the present law, occurs on the second Tuesday of March, and it does not seem to me that it is desirable to change that time; if the Legislature meets the first week in January, it can ordinarily adjourn as early as the Saturday before the annual election, and for my part I hardly know what the reasons are why the Legislature may not meet on the first Wednesday in January,



even if it happens to be the first day of January. I do not think there are very many who have been accustomed to come to the Legislature, or who are likely hereafter to be elected, that would have any objection to being absent from home on the first day of the new year, and my opinion is that we had better adhere to the vote which was adopted so unanimously in the Committee of the Whole.

Mr. Briggs of Manchester: The Committee on the Legislative Department, when they had this matter under consideration, had a full hearing and a full investigation upon the question as to the time. As was stated upon the floor of the House, nearly all of the banking corporations have their meetings during the first week of the year, which require the attendance usually of the officers and stockholders in those corporations. After a careful examination of the question, and after hearing all that was said, we believed it would accommodate a larger number of people better to change the time from the first to the second Wednesday of January. We did not conceive, and I do not conceive, that it makes any great difference to the people of the State whether Legislature begins the first or the second Wednesday of January. We thought upon the whole that it was better to make that change, and our committee were unanimous, I believe, in recommending that change to be made. It is a matter upon which I have no particular feeling one way or another, but we thought it would be just as well for the State to accommodate all these great interests and make the change, and we have so reported, and I hope the report of the committee will be accepted.

Mr. Hibbard: I did not hear all that the gentleman (Mr. Briggs) said, but I understand he made a suggestion in relation to meetings of corporations. If the Committee on the Legislative Department have in mind to accommodate meetings of the national banks, the amendment they have proposed will fail at one session in every seven to reach the purpose they had in view, because by the law of the United States national banks are required to hold their annual meetings on the second Tuesday of January which, even if the proposed amendment shall be adopted, will occur during the session of the Legislature whenever the

first day of January shall be Wednesday. It does not seem to me, however, that any question relating to the meetings of national banks or the few other corporations, if there are any, that meet early in January, is of enough importance to govern this convention in recommending a change in the time of holding the sessions of the Legislature. There are other things besides corporation meetings occurring constantly in the State. I will suggest some that would discommode more people to have the Legislature sit while they are going on than in the case of corporation meetings. The courts begin their winter sessions in January, and they sit in February, March, and April. It is my opinion that the earliest day we can fix upon after Christmas will be the safest and the best for all concerned. I do not favor fixing upon any day in December, but I am in favor of fixing on the first Wednesday in January.

Mr. Lyman of Exeter : I do not propose to discuss this question at any length. These matters were all talked over pro and con in the committee. In many of the States the first day of January is a holiday. I believe it is not in this State, but it is a day when almost everybody wishes to be at home, and one Legislature in seven would convene the first day of January. We thought upon the whole, as Mr. Briggs has said, that it would accommodate better to have the Legislature meet the second Wednesday of January. I have no personal feeling in this matter whatever ; and I do not wish this change laid to the national banks, because I consider them only a small fraction of the business interests which are to be attended to on the first day of January. I think we have nearly seventy savings banks which have their annual meetings at or very near that time, with all the dividends to be made up. Our manufacturing corporations generally have their meetings that day. The directors are apt to take an inventory of stock at that time. It is a very busy time, — exceedingly busy. Now all I wish is that you think of these various matters and let us try to adopt that day which upon the whole seems the best.

The question being stated, the report of the committee was rejected.

Mr. Colby of Claremont moved that the report be recommit-  
ted to the Committee on Legislative Department, with instruc-  
tions to report the first Wednesday of January instead of the  
second Wednesday of January.

The question being stated, the motion prevailed.

Mr. Smith of Manchester : I call for a division for the purpose  
of asking the object of sending this back to the committee.  
This subject has been considered in Committee of the Whole,  
and that committee decided in favor of the amendment. The  
matter was then referred to the Committee on Legislative Depart-  
ment, and their report has not been concurred in. I ask what is  
to be gained by sending it back to that committee?

Mr. Colby : The report of the committee has been rejected ;  
I do not understand there is anything before the convention. I  
may be wrong about it.

Mr. Smith : I understand that the committee reported the res-  
olution favorably, with an amendment. Now we have rejected  
the amendment which they recommended, which leaves the res-  
olution before the convention, as I understand.

Mr. Colby : I do not understand it that way. The committee  
did not report anything except that the second Wednesday of  
January be fixed as the time of the meeting of the Legislature.  
That has been rejected, and there is nothing before the conven-  
tion.

Mr. Smith : I call for the reading of the report.

Mr. Briggs : We simply reported that the changes be made  
making the time the second Wednesday in January instead of the  
first. We did not report any amendments specifically. I sup-  
posed that we were voting on the amendment offered by the  
gentleman from Laconia (Mr. Hibbard).

Mr. Manahan of Hillsborough : The position seems to be this :  
We have rejected the report of the committee and their proposed  
amendment, and the original proposition is now before this con-  
vention, and the question is, Shall the Constitution be so



amended as to change the meeting of the General Court from the first Wednesday of June to the first Wednesday of January? It needs no recommitment to the committee; we can act upon this proposition here and now.

Mr. Bell of Exeter: I think there is no particular dilemma. This amendment which was proposed by the committee, to change the time which the convention had agreed upon, — the first Wednesday of January to the second Wednesday of January, — has been rejected by the convention. Of course that would ordinarily leave the original proposition open to be acted upon by the convention. They can act upon it now if they will, or they can recommit it. Upon examining the original proposition, I find that it is hardly in shape to be finally disposed of. It does not mention the various articles of the Constitution which need to be amended to conform to this change. The report of the committee specified the different articles which it was necessary to amend. Perhaps it would be advisable that the resolution be recommitted, with instructions to make the requisite change, that is, from the second Wednesday of January to the first Wednesday of January, as originally contemplated by the convention; and then, I think, it would be in shape so that it could be inserted in the Constitution.

Mr. Colby: The explanation given by the gentleman from Exeter (Mr. Bell) is just the one I had in mind. Of course this resolution must go back to the committee sometime to be put into proper form. The report which the committee made has been rejected, and the matter stands in such a way that we cannot act finally upon it now. My motion was that the subject-matter be referred back to the committee, with instructions to report the first Wednesday of January instead of the second Wednesday.

Mr. Smith of Manchester: I do not see the necessity for that. The resolution now reads "the first Wednesday of January." Why send it back to the committee to report "the first Wednesday of January?"

Mr. Colby: Will the gentleman allow me to ask a question?

Mr. Smith: Certainly.



Mr. Colby: Suppose we pass that vote here, will the matter then be in proper shape to be submitted to the people?

Mr. Smith: When the Committee of the Whole reported this matter to the convention on Tuesday last, the question was raised whether it would adopt this amendment or send it to a committee to be put in shape. After some remarks by some of the members as to what was intended by the rules, the chair ruled that it was not necessary for the convention to vote upon the adoption of the amendment, but that it should go to this committee, who would then look into the Constitution and see what articles of the Constitution would be affected by the proposed amendment, and report back to us. I have taken the trouble myself to look into the Constitution to see what articles are affected by it, and I find that they are articles 3, 25, 32, 33, 42, 43, 60, and 66. Now either this committee or some other committee have got to attend to that duty. When this was referred to the committee last Tuesday I supposed all the committee had to do was to examine the Constitution and fit this proposed amendment into it, and not to report back amendments that materially changed the amendments which had been adopted in the Committee of the Whole. The motion of the gentleman from Claremont (Mr. Colby) should be this, I think, that the resolution be recommitted to this committee or sent to some other committee who shall examine the Constitution and report from what articles it is necessary to strike out June and insert January.

Mr. Colby: If the gentlemen are desirous of acting upon the matter here and now, it can be done by reconsidering the vote which has just been passed, rejecting the report of the committee. That will bring the report back before the convention, and then the report can be amended by substituting the first Wednesday of January in the place of the second Wednesday of January. The report is otherwise in form.

Mr. Armington of Whitefield: In the back part of the hall it is very difficult for us to get an idea of many resolutions, and many of us are ignorant of what we are voting on; and for that reason I think very many in this part of the house desire that

the report be recommitted to the committee, so that when we do vote we will know what we are voting upon.

Mr. Hibbard of Laconia: I move a reconsideration of the vote rejecting the report of the committee. If the vote to reconsider prevails, I will then move to strike out the word "second," and insert the word "first" in the resolution reported by the committee.

Mr. Colby: In order to bring that motion properly before the convention, I withdraw the motion which I made.

Mr. Smith: I call for the reading of the report. There seems to be some misunderstanding as to what it is.

Mr. Parsons: I call for the reading of the original resolution. I think it covers the whole question.

The original resolution was read.

The Chair: The chair would suggest that the latter part of this article can hardly be adapted to the Constitution in Committee of the Whole.

Mr. Lyman of Exeter: I assure the gentlemen of this convention that if they will follow the lead in this instance of the gentleman from Laconia (Mr. Hibbard), they will unsnarl this thing in less than two minutes, and have it just as they want it. Simply reconsider the vote that was passed, and then the whole matter is before you and you can amend the report at once.

The Chair: Will the gentleman from Laconia state his motion again?

Mr. Hibbard: My motion is that the vote whereby the resolution reported from the committee was rejected be reconsidered. If that motion prevails, I will then move to strike out the word "second" in the latter part of the resolution, and insert the word "first."

The question being stated, the motion prevailed.

Mr. Hibbard: I now move to amend the resolution reported by the committee by striking out the word "second" before the

word "Wednesday" and inserting the word "first" in place thereof.

Mr. Briggs: There must have been some misunderstanding in relation to Mr. Hibbard's motion. I know that some gentlemen who are in favor of the second Wednesday in January voted against the resolution. Now I think if it is the wish of this convention that the first Wednesday be adopted, and if they will return the report to the committee, we can dispose of it and not take up the time of the convention.

A member in the back part of the hall: We would like to know what the gentleman from Manchester was just talking about. We could not hear him.

The Chair: The question is upon the motion to amend the report of the committee by striking out the word "second" before the word "Wednesday" and inserting the word "first." If amended as proposed, the other parts of the Constitution referred to in the report will be amended so as to correspond with the amendment.

Mr. Mellows of Newmarket: I do not know as I am sufficiently versed in parliamentary law to understand in just what position this report and proposed amendment are at the present time; but as it has been objected here that the first Wednesday of January might fall upon the first day of the month, — New Year's day, — when we all wish to be at home to give expression to our joy, I would suggest as an amendment to this amendment that the resolution be made to read "the Wednesday following the first Tuesday of January."

Mr. Briggs: I suppose at the present stage of the proceedings it is perfectly in order to move to recommit. Now I move that the report of the committee be recommitted to the Committee on Legislative Department, with instructions to report the first Wednesday of January instead of the second, and we can make the change in a very short time and save the time of the convention.

The question being stated, the motion prevailed and the report was recommitted.



Mr. Page, from the Committee on Judicial Department, to which was referred the resolution that article 78, relating to the terms of service of judicial and other officers, be amended by adding at the end thereof the words, "unless thereafterwards appointed for a definite period of time," reported the same with the following resolution :

*Resolved*, That it is inexpedient to amend the Constitution in this regard.

The question being stated, the report was accepted and the resolution adopted.

Mr. Hatch, from the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, to which was recommitted the resolution introduced by the gentleman from Rochester (Mr. Whittier) in reference to the establishment of voting precincts in certain towns, reported the same with the following resolution :

*Resolved*, That the committee adhere to their former resolution that it is inexpedient to amend the Constitution as proposed.

The report was accepted and the resolution adopted.

Mr. Knapp, from the Committee on Judicial Department, to which was referred the petition of T. S. Simpson and others, legal voters of the town of Plymouth, asking that the Constitution be so amended as to give to justices of the peace enlarged jurisdiction, reported the same with the following resolution :

*Resolved*, That the petitioners have leave to withdraw.

The report was accepted and the resolution adopted.

Mr. Sanborn of Wakefield, from the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, to which was referred the proposed amendment to article 28 of the Constitution presented by Mr. Davis of Hopkinton, reported that it is inexpedient to amend the Constitution as proposed by said amendment.

The question being stated, the report was accepted and adopted.



(The president in the chair.)

Mr. Hibbard of Laconia offered the following resolution :

*Resolved*, That a committee of five be appointed to consider the expediency of publishing a report of the debates and proceedings of the convention *verbatim*, or in an abbreviated form, and if deemed expedient, to recommend a plan for the publication and distribution of such reports.

The resolution was adopted.

Mr. Cross, from the special committee to which was referred the resolution entitled "An amendment forever prohibiting the sale and manufacture of intoxicating liquors," and petitions for the same object, having considered the same, reported the same with the following resolution :

*Resolved*, That the accompanying resolution, being the same in substance as the one presented, be adopted.

*Resolved*, That the sale, or keeping for sale, or manufacture of alcoholic or intoxicating liquor, except cider, or of any compound of which such liquor is a part, to be used as a beverage, is a misdemeanor, and is hereby prohibited.

The question being stated,

Shall the report of the special committee be adopted ?

Mr. Cross of Manchester: The committee have reported the resolution read in your hearing. I do not propose at this time to discuss its merits, I do not propose now to go into the question of prohibition or license, and I do not propose at any time during this convention to go into those questions unless discussion shall arise so that it shall become necessary. In my opinion, and in the opinion of the committee who reported this amendment, the members of this convention have all made up their minds and are as ready to vote at one time as another. You do not wish to listen to discussions upon the evils of intemperance ; you do not wish to listen to the merits or demerits of prohibition or of license. These things have been discussed at your homes, in the newspapers, in the churches, and in the vari-

ous societies of this State. You have heard them discussed for many years, and I presume you are now ready to act. However, if you desire to go into a full discussion and take the time of this convention, the committee are ready to meet whatever question may arise as well as they can. We hope, however, in order that the convention may adjourn at an early day, that a vote will be taken upon the question and that discussion will not be extended.

The resolution is not in such form as it should be to be ingrafted into the Constitution, but it brings the question squarely before you. I think I ought to say that, from what I have heard from the committee and from others, I believe that this convention was called together by the votes of men who wanted this principle ingrafted into the Constitution. The temperance men of this State, the men who have this question at heart, banded together and cast their votes for this convention, and by their votes a majority was obtained so that it was called. It was called more with reference to this question than with reference to any others and all others. It is nearer to the hearts of this people than any other. But I do not propose to discuss it pro or con. If it is ingrafted into the Constitution, I presume it should properly come under part second, following either article 4 or 5, or in some other part of part second.

If there are gentlemen who desire to discuss the question at this time or at some future time, we are ready to listen. I am in favor of submitting it without discussion, but I am ready to discuss it if it should be deemed necessary.

Mr. Nash of Conway : I am entirely willing that the question should be submitted to the convention without discussion. I do not believe that any gentleman here cares to hear any argument in regard to the evils of intemperance. That intemperance is a great evil all of us readily admit ; but that fact has nothing to do with the question which this convention has to deal with. The question confronting us is, How shall we meet it, what is the better course to pursue to promote the cause of temperance ? Now I believe that the convention, every member of this convention, has at heart the promotion of the cause of temperance, and the simple question for us to meet is, How can we best promote it ? Now so far as I am concerned, — and I believe that

the majority of the convention will agree with me, that a discussion here in regard to the evils of intemperance will not be profitable, for we are all one way of thinking on that matter; but the question as to how it is best to meet it, is a question upon which we may honestly differ. I am willing that this question should go to the convention upon its merits, without discussion, provided we can nail every member to the point and put him upon record without having any dodging or shuffling about it.

Mr. Mellows of Newmarket: It may be, perhaps, my want of perception, but I certainly cannot understand why any one wishes to load the Constitution with an article of this kind. Since 1855 statutes have been enacted from time to time increasing the penalties for traffic in intoxicating liquors. There is no law upon the statute book that is so difficult to evade as the so-called liquor law, none so easy to enforce. The statute provides that any process can be amended clear up to final judgment, and no court has held that statute unconstitutional. Why put this resolution into the Constitution? There is a statute law in New Hampshire to-day which no man is worth enough money to violate for three months, if he is prosecuted. You have got the tools to work with; why don't you go to work and follow the matter up? Because popular opinion does not sustain you. Either the advocates of this measure are dishonest or they have not the courage of their convictions, else they would enforce the law they now have.

Mr. Beckford of Laconia: It seems to me that other people would like to have something to say upon this subject, therefore I move that this matter be made the special order at 2 o'clock this afternoon.

The question being stated, the motion prevailed.

On motion of Mr. Cate of Henniker, the convention adjourned.



## AFTERNOON.

The convention met according to adjournment.

(The president in the chair.)

The special order, being the resolution reported by the special committee on the proposed prohibitory amendment, was considered.

The question being stated,

Shall the resolution be adopted ?

Mr. Mellows of Newmarket : I was saying when I was shut off this forenoon that we had a statutory provision that would stop any man from selling liquor if it was enforced. I remember more than thirty years ago the Prohibitionists told us if we would give them what they called the " Maine law " they would stop the sale and consumption of liquor. They have had the law more than thirty years, and every time the Legislature has meddled with it they have made it more stringent and made the penalties more severe ; and I ask this convention whether there is any less intoxication or any less drinking of liquor under that law than there was before its enactment.

Why do you wish to put this provision into the Constitution and load these amendments down with matter which will make the people reject them ? When they come to the polls they will certainly spew it out of their mouths ; therefore, I say, kill it here. It is useless to put it before the people, for they will reject it ; there is no question about it, not the slightest.

I do not intend to make any extended remarks, but merely call your attention to the fact that we have a law now so stringent that no man can live under it, if enforced. There is no man in New Hampshire who can sell liquor, if the law is enforced ; but nobody will enforce it. I have seen enough of proceedings in courts to know how the law works, and I say it is a farce to attempt to put it into the Constitution. I want to ask you the serious question, whether you think it is really in the interest of temperance to put it in there. You have all the tools now that you require to stop the sale of liquor. The Constitution will not enforce itself



any more than the statute law will. Someone must make complaints or the provision will be a dead letter, even if it is in the Constitution, just as it has been upon the statute book.

Mr. Hatch of Greenland: I should like to inquire of the gentleman from Manchester (Mr. Cross) who, apparently, is the father, or at least has charge, of this measure, why it is that the word "cider" is excepted from the amendment? The resolution admits that cider is an intoxicating liquor. Now if cider is excepted from the amendment for any real or fancied party purpose I can understand why it is done; if it is done in the cause of temperance, certainly the movers of this measure have made a mistake, for you all know that in the smaller towns it is cider, and cider alone, that causes drunkenness. I do not wish to make any speech at this time, but I desire to present an amendment, not for the purpose of preventing debate at all, but I present it at this time so that it may be debated. My amendment is to strike out from the resolution the words "except cider," and at the proper time I wish it to be acted upon.

The question being stated,

Shall the amendment be adopted?

Mr. Cross of Manchester: The gentleman from Greenland (Mr. Hatch) asks the chairman of this committee for an explanation. Upon examining the Constitution of the State of Maine, we find that cider is excepted; following that example, and following the opinion of good men, we concluded that if cider was inserted it would injure the chances of the adoption of the amendment. If this provision is incorporated into the Constitution, it does not prevent the Legislature from regulating the sale of cider. The Legislature has regulated the sale of cider, and it would still have that power if this amendment is adopted.

The gentleman from Greenland, if he comes here feeling in his heart that he wishes to do what he can in the interest of temperance, as I presume he does, if he will say that as he votes here for including cider he will go to the polls and vote for the whole amendment, including cider, then I shall believe that he is sincere in presenting the amendment. Of course I cannot say that

he is not sincere, but I say that the friends of temperance have considered this long and well, and they have done what they thought right and fair, and what the people have demanded. The people have demanded a chance to vote upon this question, and this committee, acting in concert and carrying out the views of the men and women of this State, the mothers and sisters of this State, have framed this resolution as they believed right and just; and they ask that the people may have a right to vote upon it in the form it has been presented.

Mr. Randall of Grafton: If the gentleman from Manchester (Mr. Cross) is sincere, why does he not assent to an amendment prohibiting the sale of cider?

Mr. Mellows of Newmarket: If the sale of cider can be prohibited without the prohibition being in the Constitution, cannot the sale of other liquors be prohibited likewise?

Mr. Cross: There is no doubt about it.

Mr. Curtis of Concord: I desire to say just one word upon this question. The gentleman (Mr. Mellows) inquires, Why incumber the Constitution with this amendment? He tells us that for the last thirty years or more we have had this law upon our statute books; that we have all the machinery necessary for the prohibition of the traffic in alcoholic drinks. We all of us know that fact. I recollect when I was a mere lad there was circulated a petition through this State for the enactment of the Maine law. I recollect when that petition came into our family, mother, brothers, and sisters signed it. I recollect when that petition, rolled upon a staff, was borne into this hall upon the shoulders of men. Those incidents made a profound impression upon my mind. I have seen the workings of the prohibitory law. You will all recollect when the nuisance act became a law, — I think it was the first of July or thereabouts, — that there was a grand movement throughout the State, and in the city of Concord, by the aid of that law, every dram-shop was closed. In the city of Manchester many dram-shops, if not all, were closed. But what do we see now? We see a man of this State going up and down getting men to pledge themselves not to vote for a candidate for

an important office who was in favor of the prohibitory law. During the campaign last fall this question of prohibition was ignored almost entirely. Why? Because it might hurt somebody. Now it is my desire to see this question put beyond the interests of this party or of that party. I desire to see it put where at every election in New Hampshire the rum interest, the interest in this hellish traffic, cannot say to this party or that party, "You indorse men who will favor high license or we will defeat you." I want to see prohibition incorporated into the Constitution of the State, where it will be beyond partisan attack. I, for one, am glad that I have this opportunity to-day to record my name in favor of this measure.

Mr. Ladd of Lancaster : I was sorry to hear my friend from Manchester (Mr. Cross) insinuate that the gentleman from Greenland (Mr. Hatch) was not sincere in offering his amendment. I do not know what ground there is for such an insinuation. I do not know what reason the gentleman had for making the insinuation. The gentleman from Manchester who has assumed the management of this matter before this convention was fairly called upon, as it seems to me, to give us a reason why cider was excepted in this resolution. The reason that he gave, as I understood him, was that it was excepted in the similar provision in the Constitution of the State of Maine. I do not know but that may be a satisfactory reason to some, but I must say that a reason going to the merits of the question would have been vastly more satisfactory to me. A good, substantial reason might remove a suspicion, which may arise in the minds of some members of this convention, that there is a discrimination intended by that exception. Now I suppose it is a well-known and ascertained scientific fact that fermented cider, that is, hard cider, contains as large a percentage of alcohol, is as intoxicating, as the liquors against which this resolution is directed, such as ale, and much more than lager beer. Now what I think we are entitled to know, and what I think the amendment offered by the gentleman from Greenland was designed to ascertain if possible, is whether we are asked to act here upon principle or upon some other motive. I appreciate fully and respect the sentiment en-



tertained by those who honestly believe that the manufacture, sale, or use of any intoxicating liquor is a wrong in and of itself, a violation of moral law, *malum in se*. I can respect the opinions of gentlemen who entertain that view as a matter of principle and are sincere in it ; but if this resolution is offered in the line of that principle, which we must all respect whether we believe in one method or another method of dealing with the evil, if that is what inspires this resolution, why should one class of intoxicating liquor and the manufacture and sale of it be excepted from the provision while another class containing no more of the intoxicating quality is put expressly within the terms of it ? What is the answer to that in principle ? Does it meet the minds of gentlemen who are here to think and consider, who are here as statesmen, and not as a convention assembled for the consideration of moral questions ? We are not here for that purpose, but we are here to consider amendments to the organic law of the State. Ought we not to have an answer to that question based upon something different from the simple assertion that cider is excepted in the Constitution of Maine ? May not Maine make a mistake ? May not the delegates in the Maine convention have been moved or actuated by some motive which we would not entertain here for a moment ? I shall desire to say a word further, perhaps, upon the resolution itself.

Mr. Page of Portsmouth moved to lay the whole matter on the table.

The question being stated, the motion was rejected.

The amendment proposed by Mr. Hatch of Greenland was, with the consent of the convention, withdrawn by that gentleman.

Mr. Thurston of Dover : The thing has come about just as I supposed it would. It is a remarkable circumstance that the men who would like to have cider put in are trying to keep it out, and the men who do not want cider put in, or anything else, are trying to get cider in. Now there is a funny side to everything, and I think this is the funny view of this matter. With no disguise about it, we are frank to say that we would be



glad to include cider ; but if we cannot get the whole loaf we will take half a loaf. Is not that sound policy where there is no moral principle involved ? We are afraid that the farmers, who all make cider, some for vinegar, some for other purposes, would vote the measure down, and we do not want it voted down ; and my friends are afraid they will not vote it down if cider is not included, and so they propose to have it put in. That seems to be about the condition, without any disguises.

I am not here to talk temperance or anything of the kind. We had a good committee, equally divided, I believe, between the two great parties. Every man, by word and by vote, agreed to this resolution, and said he thought it was the best thing we could do ; not all we would like to do, but at the present time we could not do any better. This thing has been brought in here, and we want an open, fair statement of the facts, and a fair, square, honest vote. I, for one, am so much of a Democrat that I am not afraid to trust the people with it. My father was a Democrat of the old school, and there is a good deal of the blood in me. If the people do not like it they can vote it down, as they have the right to. They have asked for this measure by the thousands, and I propose to give them a chance to decide it for themselves.

Mr. Randall of Grafton : In the town where I have resided and carried on business for nearly ten years, employing on an average thirty men as miners, my greatest difficulty in managing the men was caused by their excessive use of hard cider ; and in that town and those near by there were nearly four thousand barrels made some years, and of that number I have not learned of one barrel having been exported.

Mr. Leighton of Manchester : This seems to be a curious way to approach a fundamental principle like the question of prohibition, — allowing the manufacture of cider in the country districts for those people to drink, but cutting off the man who lives in the city and who has been in the habit of drinking beer. We should approach this business in a spirit of fairness. It is an admitted fact that beer is no more intoxicating than old cider, and will not keep a man intoxicated so long. In riding across

the country you see barns unshingled and fences down. What does that indicate? Cider; that is what it means. You see the walls all down and the crops looking as though they had been struck by a drought, planted late in the season. What does that mean? Cider. Now, gentlemen, why is it not just as fair to make this measure apply in the country towns where cider is made and drank as to people who live in the cities? In the city is a rolling-mill and foundry. The workmen are under the extreme heat of 150° in the mill ten hours a day. Their physical systems are debilitated; they cannot stand up under the strain; they come out at night and have no appetite. The Constitution of the State says: "You cannot have any beer; you cannot have anything to drink, while the man in the country can have his cider." Now it appears to me that that would not be just. Let us be manly, and fix the thing just alike for the whole State, and if we are going to have the principle of prohibition let us have it, with no half-way business, but make it one broad question.

Mr. Page of Manchester: I suppose that cider was excepted because every farmer has an orchard, and he has waste apples, and he wishes to convert them into something, and he converts them into cider, and converts the cider into vinegar, for which there is a demand. I suppose that is one reason why the committee thought best to except it. Another reason is that it makes it a personal matter with every farmer. If he is prevented from getting a revenue from his apples by converting them into vinegar, he will vote against the measure.

Mr. Leighton: In regard to using refuse apples to make vinegar, it is well known that sour beer is used to make vinegar; so that argument falls to the ground.

Mr. French of Nashua: If we were here to discuss pure principles and to decide matters as a finality, I apprehend that the friends of prohibition would have a great deal to say; but, judging from what has been said in this convention about other matters, I think we are pretty well impressed that we are here simply to put before the people what we think the people will approve and what they have indicated some approval of in the past;

therefore it is idle to talk about the question of cider, if we are convinced that the people have not indicated in the past that they would approve of the proposition, because, as friends of prohibition or of temperance, we want to submit something to the people that they will approve of. I am in favor of rejecting the amendment proposed by the gentleman from Greenland (Mr. Hatch), because I have failed to hear from the people in such a way as to induce me to believe that they want it, or that they will vote for the amendment to the Constitution if it is put in. I judge somewhat the feeling and voice of the people from the legislation of the State; that is a pretty good thermometer of how the people's mind is moving. If you will look over the statutes of the State you will see that they have indicated that they do not wish to destroy the manufacture of cider in this State, and to a certain extent they want the privilege of disposing of that cider in some shape or other. Now, judging from their feeling in this matter as indicated by their legislation, which cannot be paralleled with reference to other liquors, I shall vote to reject the amendment proposed by the gentleman from Greenland (Mr. Hatch), although I wish it might be incorporated and that I could see in these indications from the people that it would prevail.

Mr. Hall of Manchester: If I understood Judge Cross correctly when he was questioned as to the reason for inserting this clause about cider, he answered that the opinion of the committee was that it would otherwise imperil the passage of the amendment, — in other words, that the people would not vote for it, and that half a loaf was better than none, — that it was better to have a provision prohibiting the sale and manufacture of all liquors except cider than to lose the whole. I understand that this committee has expressed the feeling of the temperance people of this State. They have had a hearing, and have heard from those who represent the temperance interests of this State, and those people desire the amendment as the committee have reported it. We are to consider what the people who stand behind this amendment want, and not what our individual feelings prompt us to say here. Several gentlemen have undertaken to define what the real question before us is. One has said that



we are not to discuss the temperance question ; another has said that we are to discuss the temperance question and discover the best way of opposing the evils of intemperance. I think neither of them is right. We are to find out and express in an amendment, if we can, what the temperance people of this State would like to have voted upon. We had here last week a committee of ladies to express their wishes and the wishes of their constituents. I submit that no party has a better or grander constituency than that represented by the ladies who came here to address this convention. The real question, and the only question upon which we are to vote, is whether we shall honor the wishes of those ladies and of the people they represent by submitting this amendment. I presume that there are some men here who are a little afraid to express themselves by vote for fear it may be discovered whether they are prohibition men or license men. I presume there are a good many men here who will vote for this amendment in the convention, but at the polls will vote against it. The question here simply is whether we shall submit this amendment to the people.

Mr. Hatch of Greenland : I am surprised at the position my reverend friend (Mr. Thurston) sitting near me has taken, with other gentlemen who have advocated the same views. I had thought that it was a great moral principle that they advocated, and I believed that they would never submit, that they would never give way in the least degree, that they would fight it to the end. But I had a suspicion when this resolution was presented before this convention, excepting from its operation one of the intoxicants that certainly does as much harm as any others that are manufactured in this State, that they were not working in the cause of temperance alone. I wish to be as honest before this convention as my friend from Dover said he hoped I would be. My purpose was to have the gentlemen define their position. I wanted to know whether they were voting on a great moral principle, or whether they thought cider was not intoxicating and so left it out, or whether they were descending to a subterfuge, to a scheme, and submitting to a great evil that a little good might come of it.

Mr. President, I do not believe that any good can come of



any amendment to the Constitution upon this subject ; but, if it is to be put into the Constitution, I wish it to extend to all intoxicating liquors. If it is to be tried, let it be tried fairly. I think that the gentlemen are mistaken when they say that because a number of people desire this amendment to be submitted to them we should vote for it. You are not here, gentlemen, simply for the purpose of submitting amendments to the people. You are here with a responsibility upon yourselves. You are here to determine what amendments are needed to the Constitution, and, having done your duty in that regard, your action is to be criticised and ratified by the people. I think you are in the same position that a grand jury is in our courts. I have heard the gentleman from Manchester (Mr. Smith) state to grand juries that they must never indict a person because they think that he is probably guilty, but if not will be acquitted, because they think if they make a mistake the petit jury and the court will take care of the matter and acquit the prisoner ; but they are told they must act as if they were themselves upon the trial jury, that they must vote as they would be willing to vote then, and unless the evidence before them is sufficient to convict the accused, he ought not to be presented. Now, gentlemen, that is our position. Unless we honestly believe ourselves that this amendment ought to be inserted in the Constitution, we have no right to vote for it here. You are doing more than presenting it to the people. You are saying to the people of New Hampshire that you believe in it. Now unless a man votes honestly upon such a subject, he is not worthy of a seat in this convention. He should vote according to the dictates of his own conscience, and not for any reasons of expediency or matter of party policy.

The President : There has been laid on my desk, by Mr. Willis of Swanzey, a proposition to amend the amendment proposed by Mr. Hatch in such a way that sweet cider shall be excepted.

The amendment to the amendment was withdrawn.

Mr. Page of Portsmouth moved that the whole matter be laid upon the table.

The question being stated, the motion was rejected.

Mr. Armington of Whitefield : I am not in the habit of posing before the public as a temperance advocate, and I have not come down here as such an advocate, but I have come feeling a responsibility upon me to serve the people faithfully. We have been called together in this convention for the purpose of performing certain duties, and those duties have been made manifest by the public sentiment throughout the State. The first amendment in the hearts of the people is the changing of the session of the Legislature from June to January ; another one is the fixing of the salary of representatives ; another one is the reduction of the number of representatives. In New York, if the number of representatives should bear the same proportion to the population that it does in New Hampshire, she would have five thousand representatives. We have passed over that question. Another is the great temperance question, which has interested the people deeply throughout the whole State.

I came here feeling the responsibility that rests upon us to give the question a fair consideration. I have no faith in the candor of the honorable gentlemen who have preceded me, and have urged tacking to the resolution an amendment to prohibit the manufacture of cider. It does not seem to me that it is in accordance with the prohibitory sentiment of the State. It seems to be the honest belief of many Prohibitionists that while they may be able to obtain a half-loaf they cannot obtain the whole loaf. If there are a portion here who think that the whole loaf can be obtained from the voters of New Hampshire, let them submit a separate amendment which shall provide for the prohibition of the manufacture and sale of cider, but do not let them put in jeopardy this measure by tacking on the cider amendment. Why, Mr. President, I expect that the same class of people who advocate this amendment with reference to cider, would, should that amendment be defeated, offer an amendment prohibiting the sale of Jamaica ginger.

Mr. Colby of Claremont : Mr. President and gentlemen of the convention : So far I have not taken much of your time, and perhaps what I now say will not be very useful to you. My views, in some respects, differ somewhat from those of other gentlemen who have addressed you. The discussion thus far has

not been simply upon the question of embracing in the Constitution the principle of prohibition, but as to whether it was well to incorporate therein what belongs more appropriately to the department of statute law. It is urged on the part of those opposed to the amendment that its provisions should embrace all the particulars of a prohibitory statute, and then claimed by them that statute law should not be put into the Constitution. There are doubtless very valid objections, as indicated in the remarks of the gentleman from Lancaster (Mr. Ladd), against putting into the Constitution what belongs appropriately to the department of statute law, and did I regard this a case of that kind, I might be inclined to agree with him as to the proper disposition of this measure. I am only solicitous for enough in the resolution to involve the principle of prohibition and close the door against license. Had I the drawing of it myself, I am inclined to think I should not only adopt the provision as to cider, but also, upon like ground and for like reasons, leave out the word "manufacture." This may appear strange to you, but before this matter came up in convention, I talked with some gentlemen who are strongly in favor of a prohibitory amendment and found that they entertained similar views. I am not in favor of putting mere statute law into the Constitution, or submitting to the people an amendment which is nothing more than that. It is the principle here involved for which we are contending, a principle every way worthy of adoption into the Constitution. The question is, Shall it be submitted to the people whether the State shall in some form have in her Constitution, there to remain as a matter settled and permanent, the principle of prohibition? If such an amendment is not adopted, then it will continue, as in the past, from year to year, in election after election, to be a constantly debated and disturbing question whether we shall have prohibition in some form or high license in its stead. I am utterly opposed to license in any form. I am therefore in favor of submitting an amendment to the people in the form most favorable to commanding every possible vote in its favor. It would satisfy me in the present state of the public mind were I assured there would be put into the Constitution, there to remain, a provision making it a misdemeanor to engage



in the traffic in intoxicating liquors. Then and so long as that remains, there can be no high license law, and the debate upon that subject is removed from the political arena. I am satisfied if the resolution is only broad enough to include the principle. It is, perhaps, wiser not to attempt too much, or more than is necessary. It is a matter of uncertainty whether the people of New Hampshire are in favor of having even so much put into their Constitution. It is certain that a very large body of them are asking us for something, the submission to them of some amendment embodying the principle of prohibition. We cannot do less than to meet the demand. With the principle fixed in the Constitution, it would be the province of the Legislature to enact laws in furtherance thereof and in addition thereto, as the varying circumstances of the time might demand. I shall therefore vote to reject the amendment offered by the gentleman from Greenland.

Mr. Ladd of Lancaster: I do not know as the few words I desire to say may be at this time entirely germane to the question proposed by the amendment. But my friend, the gentleman from Claremont (Mr. Colby), has alluded to some views which it may be supposed I entertain. I prefer to define my own position with reference to any views which I may have. I desire to say in the first place, what I think the people in my own section of the State will not question, that I am a temperance man, that I am on that side. I have practiced law for a period of thirty years, during the whole of which time a prohibitory statute has been in force in this State; and I state what is a fact, although it is somewhat personal in character, that the office which I have had under my control never yet closed its doors to any man or woman who desired aid in the enforcement of the statutes of New Hampshire with respect to intoxicating liquors, and while I have control they never will be closed.

Now my friend from Claremont says he would have this principle ingrafted into this Constitution. That seems to be the main drift, as I understand it, of his argument. Why? For thirty years and more New Hampshire has had a prohibitory law. As was said by my friend from Newmarket (Mr. Mellows) this morning, it has met with but indifferent success, — we all know



that, — and as practical men, deliberating on the best mode of dealing with a great evil, we must recognize that fact. There is something more than a question of sentiment involved ; we are dealing with a great practical evil, and it seems to me that with the purposes of practical men, engaged with practical questions, and not merely with theoretical questions (because there are other places where we may deal with those), we should direct our attention to the best methods of curtailing, of diminishing or suppressing the evil, wholly if we can, measurably if we cannot do it wholly. Now we have tried an experiment for thirty years or more ; we have had prohibition on the statute book. There has never been, to my knowledge, any attempt to change it which amounted to anything. It has not been changed, at any rate. I do not say that good has not resulted from it here and there, where good men and good women have taken hold of the matter in earnest and attempted honestly and judiciously to enforce the law. I think good has been effected in some instances ; but the moment the grasp is relaxed, the moment you take your hand off, the evil springs up again all about you. It is a monster evil ; it is a very difficult thing to deal with ; it requires all the sagacity and wisdom and prudence of the best men of New Hampshire to determine the best method of dealing with it. We have tried one experiment ; it has failed. I say failed, — I mean failed practically. It has not stopped the sale of liquor ; it has not to any very great extent, as I am told, diminished the evil. There are places all over this State, in the country and in the cities, where it can be obtained now, even since the very efficient legislation of the last Legislature, declaring every place where it is kept or sold a nuisance. In a very large majority of the towns of New Hampshire it can be bought as freely as you can buy new milk. The law is practically a failure.

Now that is the only way we have tried by law to diminish the evil. I am not going to make any argument in favor of high license ; I have not considered that question ; that question is not before the convention. It seems to me that the question is whether we shall tie ourselves down irrevocably and unchangeably to this continuation of an experiment which has failed. Why will you tie the hands of the people so that no other

method can be tried, so that our best men and women cannot look about them and see if some other means may not be more effective, may not accomplish more good? I must say, these considerations have a very controlling influence upon my mind. This matter should be regulated by statute; it should be left so that the people may try one thing, and if it does not accomplish the desired object that they may not have their hands tied so that they cannot try another thing. It is a hydra-headed evil; it is a complicated matter; it is a difficult thing to deal with on account of the appetites of men in this latitude, as well as for other reasons, — an exceedingly difficult thing to deal with. It is a monster with a hundred heads. Is it the part of wisdom to tie the hands of those whose duty and business it is to deal with that monster to one single method precluding all experiments to see if a better and more effective method cannot be found?

Now as to the views I entertain upon the other point involved in this resolution. I have already, in discussing some other questions here, expressed my views as to the province of the Legislature, in which is vested the supreme law-making power of the State, and the province of this convention called together by the people. They are distinct. I believe it is necessary to the integrity and perpetuity of our free institutions and forms of government, according to the scheme established by the fathers, that the two should be kept distinct. I am unalterably opposed, upon principle, however vital the question may be, however much it may bear upon the welfare of the State, to meddling in this convention with a matter which is fairly within the purview of the Legislature. I should leave it to be dealt with by the Legislature. I would not put it into the fundamental law of the State, for the reason already suggested, — that times change, interests change, business changes, the feelings of the people change. I would not incorporate into the Constitution anything, no matter how well I might think of it, that should rest upon any accidental state of feeling or public sentiment. I would not incorporate into the Constitution, any further than the principles of good government included them, matters involving mere moral considerations. I would not incorporate there matters of sentiment. The Consti-

tution should fix the scheme of government, leaving the Legislature to make such regulations and pass such laws as they think for the time being are good and the welfare of the State demands, leaving the Legislature to experiment with one statute until its merits or demerits are practically ascertained in that way ; and if it appears to work badly, not to the satisfaction and welfare of the people, to change it for another, and so on till the best is found. We are to remember that the Legislature is always at hand to change and amend any enactment of its own or any previous Legislature, and if it turns out that it cannot be amended so as to accomplish in a satisfactory manner the end in view, it may repeal it entirely and substitute something which will work better and will accomplish that end.

These are the two considerations, very inadequately presented, which I find control my mind in approaching this subject. I am not a politician. I am not on the side of free rum, although I am sorry to say that has been, perhaps not very malignantly, insinuated upon my views being made known. I am on the other side of the question, but I am opposed to doing anything under the pressure of an occasion like this that can be amply and fully provided for by the Legislature. Never before, I think, in a single instance has anything that was within the fair scope and range of legislative authority been incorporated into our Constitution. To do so I think would be a very great mistake ; at any rate, it strikes me with alarm. I am unable to entertain any other view but that it is revolutionary, to a certain extent, to incumber the organic law of this State with mere legislative provisions, making that unchangeable which ought to be left to the people and their representatives assembled in the General Court clothed by the Constitution with the supreme legislative power, to alter and amend and adapt to the changing sentiment, the changing wants, the changing conditions of the people of the State.

If this law is not sustained by public sentiment and that is the reason it has not been enforced, — which is to be regretted if it is true, — if it has been spit upon and treated with contempt and indifference, and been disregarded and violated on every hand every day since it was passed, will you put it into the instrument



which has been called the "Charter of our Liberties," to be spit upon there? Does anybody contend that it would have any higher authority as law if put into the Constitution than it has when it is a statute? Here are a large number of excellent lawyers, among them some of the foremost men at the bar in this State, men of vastly more learning than I pretend to claim; if it is asserted by any gentleman of the legal profession, or by anybody else, that it has any higher authority, any higher sanction, when incorporated into the Constitution than it has as a statute of the State, I should like to hear from that gentleman. I should like to hear the reasons in support of such a legal proposition. There is no difference; the statute has the same binding force upon the citizens of the State that a constitutional provision has, each is simply the law of the land.

I will not trespass longer upon your patience at this time. I simply desire before I vote upon this question to state here publicly the reasons which honestly control my mind in giving the vote which I am constrained to give; and I may say, there are those sustaining a more intimate relation to me than that of constituents to whom also I desire to present the reasons which control my vote.

Mr. Hatch: After the most admirable remarks which we have just listened to, it seems to me that a vote ought to be taken on the main question. I will withdraw my amendment.

The President: The gentleman from Greenland withdraws the amendment he proposed, and the question recurs on the resolution reported from the committee.

Mr. Manahan of Hillsborough: I am sorry that the discussion has drifted so far as to make it seem necessary for me to say a single word on the proposition which we are considering; but since the statement is made that a man is hardly fit to remain in this convention or have a seat here if he has doubts as to whether this amendment should be referred to the people or not at this time, and, although he might not vote for it, still would be in favor of submitting it to the people, I think I should rise and state, before my vote is given, some of the reasons that will impel me



to vote in favor of the resolution that has been offered. In the remarks I shall make briefly I do not propose to enter into a microscopic demonstration or scientific examination of the effect of alcohol upon the human system ; nor do I desire to portray before you the evils, woe, and suffering which are the legitimate results of the use of alcoholic drinks as a beverage ; nor do I think it important to the consideration of this question to discuss license or prohibition. These are still open questions, upon which there is a diversity of opinion. But whatever may be our opinions upon that question, or whatever are our relations to the temperance reform, there is one fact that we all admit, that the worst curse to humanity to-day is intemperance, and that it is the most fruitful source of evil, crime, and pauperism, of corruption in politics and degradation in society. And the great question that confronts us, as has been stated here, which like Banquo's ghost will not down, is, How can we best deal with it for the safety and protection of our people ? The lesson that was taught in the last election is suggestive, and the figures contained in the result seem to indicate that the trend of public sentiment in New Hampshire is the same as in the larger cities of other States, — that there may be a better way to deal with this evil, the sale, use, and manufacture of intoxicating liquors, than by prohibition. Yet in our State there is a strong public sentiment, and a large and respectable number of people who believe that this traffic should not only be put under the severest penalties known to the law, but that the principle of prohibition should be dignified by being made a part of the fundamental law of our State, placing it at least for seven years beyond the repeal of any Legislature, and that constitutional prohibition, being the direct work of the people, will be more vigorously followed up and fully enforced. Now these people come before this convention, the only convention that can possibly give them what they desire, and by petition and otherwise they ask us to formulate an article forever prohibiting the sale and manufacture of alcoholic liquor in the State. While I seriously question whether it is wise to adopt such a measure at this time, I ask you how can we consistently deny these people the privilege of having this question submitted to them that they may have an opportunity to vote upon it ?

I know full well that our people desire to vote upon a distinct proposition, and I am in favor of giving them the chance. I shall be glad to welcome the day myself when the question of temperance can be divorced from other questions of politics and settled outside of party lines. Experience teaches us that whenever one party is arrayed in favor of temperance, the other party is just as thoroughly opposed to it, each party charging the other party with buying support and catering for votes. Now I want to see the day come when the question of temperance is divorced from politics, and men can act upon it unhampered by other considerations. I feel myself that the cause of temperance has received injury, not only in our own State but throughout the country, by being mixed with politics. These views are entertained by other people who have made the question a lifelong study, who have been in the service of the temperance cause for many years. Theodore L. Cuyler, writing to the "New York Evangelist," says: "After forty years' effort I am convinced that if all the time, money, and effort that have been expended upon political movements had been expended in direct moral efforts to check usages, educate the conscience and conduct, and teach the young lessons of abstinence and make public sentiment against the diabolical drink traffic, then the great reform would be a hundred-fold stronger to-day. Underneath all the fluctuations of parties lies the solid bed-rock of truth, temperance, and righteousness. Let us build on the rock."

These sentiments are gaining ground, and one reason why I would vote to submit this amendment to the people is to take it out of the arena of politics entirely and give the people a chance to vote upon it separately and decide the question for themselves. There can be no risk in doing that. Prohibitionists and temperance men have an interest in other questions which divide the great political parties. Temperance men have an interest in the tariff, because their bread and butter is at stake; they have an interest in the common school question, because the education of our children is at stake, and the perpetuity of this government for and by the people hangs upon a free, an unsectarian education; and so you might go through all other questions that enter into the politics of the day. That this question may be placed

before the people unhampered by other considerations, and in answer to their demand, let us adopt the report of the committee and submit this amendment to the voters of our State, letting them vote it up or down, to ratify or reject, as in their wisdom they believe to be for the best interests of the State.

Mr. Cross: I feel constrained to say a few words after the remarks of the gentleman from Lancaster (Mr. Ladd), because I know he speaks from a sincere heart what he means, and he always has a good reason for whatever position he takes. I feel constrained, therefore, to give some of the reasons why I favor this resolution and its incorporation into the Constitution of the State of New Hampshire.

We are all, every one of us, in favor of temperance. If I go to you, and you, and you, and to every man here in this house, and if I ask you the question, "Are you in favor of temperance?" the reply will be, "Yes, I am in favor of temperance." "Would you send your boy to the dram-shop to deal out liquor, to sell it from day to day?" "No." "Would you encourage the rum traffic?" "No." You agree with me, and with every physician of eminence, with every judge upon the supreme bench, with every man who has considered this question, that the sale of intoxicating drinks is one of the greatest evils of this age. It is a great question. Sometimes I think we should have high license, and see if we cannot restrain this evil; and then again I say, let us have prohibition, and see if we cannot restrain this evil. There are good men here, and good men all over this State and this country, who have looked at this great question with interest, and at times they have been discouraged. What shall we do? Nine tenths almost of the crime and suffering in this State and this country come from the sale and use of intoxicating drinks. Our prisons are filled by it; our almshouses are filled by it.

I need not argue this question, however, and I do not propose to argue it. I know there are sincere men here who doubt whether this question should be submitted to the people in the proposed way. Some of you are in favor of license; some of you think that is the best way to crush out the sale of intoxicat-



ing drinks, — some of you honestly think so ; but, my friends, I ask you for a moment to examine this question. This State has tried high license. In 1778 the Legislature of New Hampshire passed a license law, and from that time down to 1847 there was a license law upon our statute books. In 1847 the Legislature submitted the question to the people, “ Shall a prohibitory law be enacted by the Legislature of New Hampshire ? ” and there were seventeen thousand votes cast, — twelve thousand in favor of prohibition, and five thousand against it. The law was passed in 1849, it was repeated in 1855, and from that day to this the people of New Hampshire, by their statutes, by their voice as evinced in the Legislature, have declared in favor of prohibition. My friend from Lancaster says, “ Leave it upon the statute book.” We have left it upon the statute book.

A Member : Do not tie our hands.

Mr. Cross : “ Do not tie our hands.” Let us see how it is about tying our hands. We say that you should incorporate into this Constitution an article that should forever exclude this traffic. It produces evil ; you should not indorse it ; and its exclusion should be made a fundamental principle of our government. Why ? Because we have seen in the State of Kansas, because we have seen in the State of Iowa, because we have seen in the State of Maine, that it has been incorporated into the Constitutions of those States, and the voices of those States come to us, — the voice of the newspapers, of their people, and of the judges of their courts. If you read an account of a meeting in Boston day before yesterday, you observed that a gentleman from Iowa rose in his place and said : “ We have tried this question ; it has been incorporated into our Constitution, and the rum traffic has been driven from our borders substantially. We have fifty-five jails, now empty, which before this constitutional provision took effect were filled.” I have met gentlemen from Kansas. I met a gentleman not long ago who used to live in Manchester, and he told me that when he went to Kansas he was in favor of license, but he says : “ I have seen the constitutional provision as it is in Kansas. I have seen the law enforced there, and to-day I am heart and soul in favor of the provision in the Con-



stitution and the enforcement of the law as it is in Kansas." It is enforced in Kansas, — they have it in the Constitution. They have it in Iowa ; they have it in Maine. I repeat what perhaps I have said before, this is the great and absorbing question of this nation to-day. If there is one question that rises above another, if there is one question that demands the honest hearts and the honest votes of the men of New Hampshire to-day, it is this question of the destruction of this "hydra-headed monster," as the gentleman from Lancaster calls it. It is one of the ways to check this evil, and to stop its progress in our midst. What shall we do? Men have thought, men have reasoned, men have tried experiments ; the good men and women of this State have come here and said : "We want this principle of prohibition in our fundamental law. We ask you to give us an opportunity to vote upon it." They are honest, they are sincere ; they have no motive, I believe, except the good of the State, and the honor and prosperity of the State.

I am heartily in sympathy with this measure. I shall vote for it here, and I shall vote for it at the polls if I have an opportunity. There are others who crave this high privilege. I ask you, men of New Hampshire, looking to the interest of the present, looking to the future of the State, I ask you to give these people an opportunity to vote into the Constitution this principle of prohibition.

Mr. Woodman of Concord : It seems to me that we need not take up the time of the convention with a further discussion of the abstract principle of temperance. I take it that we are all of us, as suggested by the gentleman from Manchester (Mr. Cross), temperance men. I am compelled to admit that if we were to vote at this time upon the question, Shall the resolution become a part of the Constitution? we might hesitate ; but it does not strike me that such is our position. I do not agree with the gentleman from Greenland (Mr. Hatch) as to our duty here. A very respectable body of citizens comes before this convention, and says practically, "Give us an opportunity to vote upon this question." If we vote in favor of the resolution, that does not make it a part of the Constitution. We simply provide for placing the ballot in the hands of the voters of this State, and

the question presented to them is, Are you in favor of so amending the Constitution that the sale of intoxicating liquors shall be prohibited? It seems to me to be a duty we owe to ourselves and to our constituents to give them an opportunity to vote on that question. I do not perhaps agree fully with some of the suggestions as to the probability of this proposition becoming a part of the Constitution. I assume that every man has the right to vote when he goes to the polls as his conscience tells him; but at this time it seems to me that that question does not come before us. If we find there are enough voters in this State to carry the amendment to the Constitution as embodied in the resolution, then we shall know that we have done what the people wanted.

Mr. Hatch of Greenland: After listening to the evils of intemperance portrayed by the gentleman from Manchester, I feel that I must insist upon the amendment which I offered before and afterwards withdrew. I therefore renew the motion to amend by striking out the words, "except cider," and on this motion I demand the yeas and nays.

The demand was sustained.

Pending the call of the roll,

(Discussion ensued.)

Mr. Kelley of Weare: I had not thought that I would take up the time of the convention, but I have noticed that the friends, or the pretended friends of prohibition, after the argument presented by the gentleman from Lancaster, had the impression that the main question would fail, and then the gentleman from Greenland (Mr. Hatch) was willing to withdraw his amendment. But after we had heard the argument of the gentleman from Manchester (Mr. Cross) he feared that we might indorse the report of the committee, and he again insists upon his amendment. Now I do not understand, and I do not think that any gentleman in the convention feels that our vote here is going to incorporate into the New Hampshire Constitution the report or the provisions of the report of that committee. We are simply to place in the hands of the people the ballot as a means of deciding whether

they wish the Constitution to be so amended or not. I am in favor of the principle defended by the gentleman from Claremont (Mr. Colby), that the tone of the Constitution should be in favor of prohibition. I am not particular as to what provisions are made; it matters very little to me personally whether it includes the word "manufacture" or not, whether it specifies cider, sweet or sour, or not. I am in favor of doing anything that may eliminate from New Hampshire the evils of the liquor traffic, and I judge that is the unanimous feeling of this convention. Now, if those who are in favor of including cider are serious and honest, let them present an independent resolution to that effect and I will vote for it; and then if they are in favor of prohibiting the manufacture and sale of malt and distilled liquors, they should vote for the proposition. Whether they do or not, I shall vote for it. If I were opposed to the principle of prohibition, I would vote fairly and squarely against the main question; I would face the question honorably, instead of attempting to kill the measure as they do by loading it down with conditions which they feel, and perhaps know, the people of New Hampshire will not indorse. We all recognize this to be a great evil, and those who have spoken have confessed it to be the greatest vice of the times. Such feeling has been manifested here that we must know that there exists among the people a desire to act upon this particular question. We have been confronted by a petition bearing the names of thousands of the people of New Hampshire asking that this measure be submitted to them. I do not believe we are called upon to decide the merits of prohibition or license here, but should leave it to the people to decide for themselves, and if the people of New Hampshire can see in this a way by which we shall eliminate from society this evil, let them vote for it.

We have, as all know, done a great deal in the past for those who were held in slavery in the South, and their condition was not very much worse than the present condition of some in this State. I believe that from the homes and firesides of New Hampshire, from north to south, the unfortunate victims of the liquor traffic are to-day raising the voice of supplication to God that we may propose some measure for their relief. There is at the



present time existing among the people a desire to vote upon this subject, and I feel that the prayers of our citizens go up to heaven that we may act favorably upon this proposition. As I said in the first place, if those in favor of an amendment prohibiting the manufacture and sale of cider will introduce it as an independent amendment, I will indorse it and I will vote for it. And if they are sincerely in favor of temperance, if they are as much in favor of prohibition as they pretend to be, I think they will not object to doing so.

Mr. Ladd of Lancaster: I am going to say but a single word. It seems to me that the question we are discussing assumes a certain degree of slipperiness in the hands of these gentlemen. We heard an excellent temperance lecture from the gentleman from Manchester (Mr. Cross); it was edifying and good; I liked it; but that is not what we are here for.

I should like to know a little more fully the views of my friend from Claremont (Mr. Colby). He says he will take what he can get; he will have ale and lager beer prohibited forever in the Constitution, but will let cider remain. Well, I suppose he would turn it around and say he would prohibit cider and let ale and lager beer remain, if he is going to be consistent. I should like to find out whether it is a principle of morals, or any other principle, which we are determining, or whether we are witnessing and engaged in the performance of a farce; whether what we see is an assemblage of sober, thoughtful men engaged in the transaction of important public affairs, or whether we are being diverted with the kaleidoscopic, shifting scenes of some spectacular entertainment. One moment we hear our friends talk about great principles to be maintained; the next we hear them say, "Oh, yes, prohibit beer but tolerate cider." If they are sincere in the advocacy of a principle, will not that principle apply to all liquors that have an intoxicating effect. What would my friend say to an amendment, if I should move it, — which I am not going to do, — to put in cider and strike out ale and lager beer? It has been stated here that one intoxicates as much as the other, and it has not been contradicted. Some suggestions have been made here that the quantity of cider drank in this State, or that is manufactured here and drank out of this State,



is very large and does a vast amount of mischief. Are we to establish a principle, or are we not? I suppose this is a deliberative assembly, and I did not understand what my friend from Manchester (Mr. Cross) meant when he stated in introducing this resolution that he supposed the minds of the delegates to this convention were made up. What does that mean? How does the gentleman know that? It would be interesting to me at least to know what he means. I think it is most pre-eminently a matter to be carefully and candidly and seriously considered by us sitting here as statesmen,—for that is what we ought to be. It is a new thing, entirely new, to introduce this species of legislation into the Constitution. Why are we not given some reason why it should be introduced? If there is a reason, why not give it instead of making temperance lectures?

Now I do not believe that my friend from Claremont (Mr. Colby), for whom I have the highest respect and regard in every way, I do not believe he would represent to this convention that it is desirable to incorporate a provision into this Constitution as an immutable thing, preventing my friend (Mr. Cross) from trying the experiment which he was at one time, as he says, almost constrained to think best because the other had failed. I do not believe he would tolerate for a moment the idea that an amendment should be framed in such a way and with such intent that you might by including one thing at one time array against it a class interested the other way in another thing, and then turn about and finally get the whole by piecemeal; that you should make it for the interest of dealers in lager beer to vote for the prohibition of cider, and then turn around and array the cider people against the lager-beer people by excluding cider and including lager beer. I do not believe my friend from Claremont would approve any such wire-pulling as that. I doubt whether there are many members of this convention who would approve such a course upon sober reflection. That would not be fair; that is not the way anybody whose approval is worth striving for wants us to proceed in amending the fundamental law of New Hampshire. Now, how would it be received here if I were to move to include cider and exclude from the effect of this provision a liquor which is conceded to be no more deleterious, in

fact not so deleterious, as cider? I imagine from the temper of this convention it would be voted down very quickly. Now, if we are after principle here, — which is what we are after if we are discharging our duties, — why make this discrimination?

There is another matter which I intended to say a word about when I had the floor before, — the idea suggested by my friend, the ex-mayor of this city (Mr. Woodman). Of course every member of this convention must be the judge of his own duty, we are all to determine that matter for ourselves; but since I have been here I have been told by a considerable number of members that they proposed to vote to submit this matter to the people, although they did not believe in it and should vote against it at the polls. I did not think at the time that the remark was intended to be serious, and I say here I cannot conceive how any gentleman, any member of this convention, can entertain any other idea than that he must consult his own judgment, his own convictions, his own conscience, in the matter of how he shall vote. It seems to me too clear for a moment's debate that we should vote here to submit to the people such amendments as we believe ought to be adopted, as we believe would promote the welfare of the State. I cannot conceive of any other sensible and consistent, and, I am constrained to say, honest view of our duty; certainly no other consideration than that can control my vote. We are the representatives of the people; we are the people; we have been selected to come together and deliberate as the people deliberate, and in deliberation we must consult our own convictions. What other guide have we? Where else can we go to ascertain our duty?

The manifest purpose of having a convention to revise and propose amendments to the Constitution was to furnish a great safeguard against hasty and ill-considered changes in the organic law. It was that a body of men chosen by the people for their supposed fitness for the duty and trust conferred upon them might, at the outset, consider with due care and deliberation whether any, and if so what, changes had better be made. It manifestly was not the intention of the framers of the Constitution that that instrument should be left liable to be changed and metamorphosed by every breath of popular excitement; and so

it was that they provided a method which requires an expression of the carefully formed and honest opinion of each member of a convention before any proposed amendment shall be sent to the people. To my mind we have no right to evade the duty and abdicate the function thus solemnly laid upon us.

Mr. Colby : I am aware, Mr. President and gentlemen of the convention, that you are growing tired of this debate, and I shall not trespass long upon your patience. The gentleman who last addressed you (Mr. Ladd) seems to be in some doubt as to what I really intended. I thought my statement of my position plain enough. It is this : I am in favor of putting into the Constitution the principle of prohibition ; and let every gentleman who hears me ask himself what would be his action, aside from all selfish or unworthy considerations, if the responsibility rested upon him to determine by his voice and his vote whether forever in the future the principle of prohibition should be established in the Constitution. I am sure, were such a thing within your power, whatever your party or creed, you would not hesitate to determine in favor of the welfare of the State and its people. The interests in favor of its adoption are very large and far-reaching and lie along the pathway of progress ; but in the attempt to accomplish the object in view, let us take counsel of our common sense and beware of extremes. I am not inclined to shut my eyes to the fact that there are many and varying opinions upon this as well as all other subjects, and that wisdom and the hope of success direct to measures and forms of expression made as little offensive as possible without the abandonment of principle. It has been said by the gentleman from Lancaster (Mr. Ladd) that the principle of prohibition has been a failure. I deny it. The condition of the people of New Hampshire is to-day infinitely better than it would have been without that law. I know it from careful observation from year to year for many years past. The argument made by the gentleman can be made against anything. It can be made against the religion of Jesus Christ ; because, forsooth, all men at this hour do not bow down before His cross it is a failure, and let us cast it aside and the Holy Scriptures as well. There is nothing that cannot be attacked with this fallacious kind of reasoning. I am addressing



men of New Hampshire, men who think for themselves and who are on the side of virtue and right. I believe, could the matter be properly canvassed in the State, that there would be no occasion for doubt as to the adoption of the amendment. I agree with the gentleman from Concord, that whether we believe in the principle ourselves or not, so respectable a body of the people as has come before us and asked the opportunity should be given the opportunity of voting upon the amendment.

Mr. Knapp of Somersworth moved to amend the resolution by striking out the word "manufacturing."

Mr. Knapp of Somersworth: The gentlemen who are not in favor of prohibition have discovered an inconsistency in the resolution and they have made the most of it. The gentleman from Lancaster (Mr. Ladd) is troubled much about the injustice of permitting a man to manufacture cider and prohibiting another man from manufacturing other intoxicating liquors. I am a Prohibitionist, and want to submit something to the people which will result in fixing the principle of prohibition in the Constitution. I am stating this fairly and squarely, so you can understand my position; but I do not want to vote or ask the people to vote for anything which seems to be an inconsistency. I can conceive of this condition of things. I may have three neighbors; one of them owns a distillery, another owns a brewery, and a third owns a cider mill. This resolution, as submitted here, is adopted, and I go home. I meet these three gentlemen, and say to them, "We have voted in the convention that you who own the distillery must stop manufacturing, and you who own the brewery must stop manufacturing, but you who own the cider mill may proceed." No doubt two of them would readily observe the inconsistency. Now I can think of no better way to obviate it than by striking another word from this resolution, so as to put these three men upon an equality; and if the proposed amendment prevails, I would move further to amend the resolution by striking out the word "manufacture." If by the Constitution the sale and the keeping for sale of intoxicating liquors are prohibited, that will be enough. There can be no objection to the manufacture of cider, or ale, or rum, any more than to the



manufacture of cotton cloth, if the manufacturer cannot offer it for sale, if nobody else gets it. I am willing to put all these men on a level, — have the proposition consistent, — and then I shall be glad to vote for it, and give the people of New Hampshire an opportunity to declare by their votes upon this amendment, that the sale, or the keeping for sale, of anything which can intoxicate, to be used as a beverage, is unconstitutional.

The President: The gentleman from Somersworth (Mr. Knapp) proposes to strike out the word “manufacturing.”

Mr. Knapp: I will consider it an independent amendment, not to be considered until after the other is acted upon.

The President: The question is upon the proposition of the gentleman from Greenland (Mr. Hatch) to amend the resolution by striking out the words “except cider,” and upon this question the yeas and nays are demanded.

And the roll being called, the following gentlemen answered in the affirmative :

Amidon, Bales, Becker, Blake of Danville, Blodgett, Brown of Nashua, Brown of Rye, Butler, Cavanaugh, Chadwick, Chase, Child, Cilley, Clark of Deerfield, Clarkson, Clough, Collins of Manchester, Cone, Crowell, Cummings, Currier of Chester, Currier of Wentworth, Davis of Acworth, Davis of Bow, Davis of Ossipee, Day, DeMeritt, Dolloff, Drury, Duston, Eastman, Eldredge, Emery of Auburn, Felker, Fernald, Fisher, Flood, Fradd, Frazier, French of Portsmouth, Garland, George, Glidden, Gould, Graves, Green, Griffin, Hatch of Eaton, Hatch of Greenland, Hayes of Dover, Hayward, Hibbard, Hobbs, Hopkins, Howard, Hubbard, Johnson of Enfield, Jones of Portsmouth, Jones of Stratham, Ladd, Leighton, Lane, Leahy, Little of Warren, Littlefield, Locke, Lovejoy, Mallon, Manning, Mason of Concord, McMahan, Miller, Morrill of Gilford, Morse of Bradford, Nash, Newton of Bennington, Noonan, Nutter, Page of Portsmouth, Parsons, Pillsbury of Londonderry, Pillsbury of Tilton, Pitcher, Pitman of Bartlett, Pitman of Conway, Poor, Preston, Randall of Chesterfield, Randall of Grafton, Roby, Rounsevel, Ryan, Sanborn of Ashland, Sanborn of East Kings-

ton, Sanborn of Portsmouth, Sanborn of Sanbornton, Sanborn of Wakefield, Sawyer of Columbia, Schoppe, Scott, Sherman, Smith of Haverhill, Smith of Lancaster, Smith of Mont Vernon, Smith of Plymouth, Smith of Salisbury, Sullivan, Sulloway, Tilton, Trefethen, Watson, Weeks, Wheeler, Whitcher, Whitman, Whitney of Franconia, Whittier, Wilkins, Wilkinson, Williams, York.

And the following gentlemen answered in the negative :

Abbott, Andros, Annett, Armington, Batchelder, Baker, Barker, Barnard of Hopkinton, Barnard of Thornton, Bartlett of Derry, Bartlett of Manchester, Bartlett of Raymond, Barton, Beckford, Bell, Bemis, Bennett of Alton, Bennett of Tuftonborough, Berry, Bickford, Bill, Binford, Blake of Fitzwilliam, Bond, Boynton, Briggs, Brigham, Brown of Exeter, Bunten, Burton, Buttrick of Alexandria, Buttrick of Troy, Buxton, Cass, Cate, Clark of Manchester, Clifford, Cochran of Antrim, Cochran of Pembroke, Cochran of Windham, Colby, Cole of Berlin, Cole of Dummer, Cole of Stark, Collins of Milan, Coleman, Conway, Craig, Cram, Crawford, Cross, Curtis, Damon, Danforth, Davis of Amherst, Davis of Hopkinton, Davis of Warner, Dolbeer, Dole, Dorr, Dowe, Drake, Dresser, Dudley, Dunbar, Duncan, Durgin, Edgerly, Ellis, Emerson, Emory of Rindge, Farnum of Francetown, Farnham of Stewartstown, Fessenden, Fletcher, Foster, French of Nashua, Frost, Furbush, Gerrish, Gilmore, Gove, Gray, Hadley, Hall of Claremont, Hall of Manchester, Hanson of Ward 2 Dover, Hardy, Harvey, Hatch of Peterborough, Hayes of Manchester, Hersey, Hill of Ellsworth, Hill of Strafford, Hoit, Holland, Holt, Hunkings, Huse, Johnson of Hampton, Jones of Monroe, Kelley, Knapp, Knowles, Lang, Lary, Libbey, Little of Pembroke, Luce, Lyman, Manahan, Marshall of Nashua, Marshall of Pelham, Marshall of Unity, Mason of Harrisville, Mathes, McCrillis, McKellips, McLane, Melcher, Mellows, Merriam, Messenger, Miles, Morrill of Grantham, Mussey, Newell, Newton of Hill, Noyes, Page of Dover, Page of Manchester, Parker of Farmington, Paul, Perley, Philbrick, Pillsbury of Derry, Porter, Prescott, Prichard, Putney, Rawson, Richards,

Richardson, Ruggles, Sanborn of Fremont, Sawyer of Newbury, Shepard, Sisson, Smith of Hudson, Smith of Manchester, Smith of New Hampton, Spalter, Spaulding, Story, Taggart, Thompson, Thurston, Todd, Towle, Walker, Wallace of Holderness, Wallace of Milford, Washburn, Waterhouse, Webster, Wells, Whitaker, Whitney of Keene, Wiggin of Bedford, Wiggin of Tamworth, Wilson, Winch, Wood, Woolson, Woodman, Young of Madbury, Young of Northfield.

And one hundred and twenty-four gentlemen having answered in the affirmative and one hundred and seventy-five in the negative, the negative prevailed and the amendment was rejected.

The question being stated on the amendment proposing to strike out the word "manufacturing,"

- Mr. Knapp of Somersworth: With the result of the vote on the amendment introduced by the gentleman from Greenland, my amendment would not remove the inconsistency, and I therefore withdraw it.

The question recurred upon the adoption of the resolution reported by the special committee.

Mr. Beckford of Laconia: This is a late time to make any remarks upon this subject, and I should be glad if in the discharge of what I deem to be my duty I could avoid doing so. But a few days ago as I was coming up the walk I overheard this remark: "We will put them on record; we will see who are the friends of temperance!" Therefore as I am to be forced to go on record against this resolution, I feel it my duty to my constituency at home, and also to you, that I give you some of the reasons why I shall vote against this resolution.

I approach this subject with mingled feelings of fear and trembling, because I know I have not the great ability of the gentlemen who have preceded me, or the power of expression one ought to have to address such a distinguished assembly as this, and then on account of the sacredness of the question. I can almost seem to hear, as did one of old, the words, "Put off thy shoes from off thy feet, for the ground whereon thou standest is holy ground." I think I understand the importance of this



question. I take it there is not a person within the sound of my voice who does not know of the power of this great evil; therefore there is no need of going into the charnel-house of this demon drink and bringing out to hold up to view his thousands of sickening victims, or to portray to your minds the ruined lives or blasted homes that are to be found upon every battle-field where in his mighty power he has swept all before him. There is no occasion for this. I take it we are all agreed on this one question of the evil; therefore, the only question here for us to consider is how best to cope with this mighty power. I have listened with great attention and much pleasure to the gentlemen who favor this amendment, in hopes to hear some valid reasons adduced why we should vote to submit this question to the people. I have felt the great importance of listening, but in the language of Whittier,

“I trace your lines of argument,  
Your logic linked and strong;  
I weigh as one who dreads dissent,  
And fears a doubt as wrong.

“But still my human hands are weak  
To grasp your iron creeds;  
Against the words ye hear me speak  
My heart within me pleads.”

Before I proceed further let me say, I am well aware that when a man enters the field of this great moral reform, when he steps out away from party, away from precedent, he is liable, in a reform of this kind, because he may differ from some other men, because he sees fit to follow his own conscience instead of theirs, to be tabooed and called a rummy.

Gentlemen, I neither touch, handle, nor drink liquor, — not even tea or coffee as a beverage. My health will not allow me to use either. Let me thus disarm you, gentlemen, of any personal criticism to start with. Gentlemen, I believe this proposition has no right to be ingrafted into the Constitution of New Hampshire.

I entered this field as unbiased and as free and untrammelled as any gentleman within the sound of my voice. When I found



this question was going to come up for action in this convention, I wrote to temperance men, newspapers, and city marshals in various States where they have constitutional prohibition, and they advised not to put a prohibition article into our Constitution. I have some of those letters here, but I am not going to detain you long. It is too late to make extended remarks. I am well aware how this convention is going to vote; nevertheless, that does not relieve me from responsibility. We have heard much of the great benefits of constitutional prohibition in this debate in the State of Maine. I am aware that in this convention there are letters from Governor Dingley, Governor Robie, and gentlemen from that class in society. I had the pleasure of hearing Mr. Moore's argument in Boston. I went to Boston for the purpose of hearing it, and I was amply repaid, for it is always a treat to hear Mr. Moore upon any subject. I was searching at that time for ground on which I should put my feet to stand, and I found that he had various references, and they have all been placed before you I suppose; but it occurred to me during his argument, as it will to you, to ask myself, What do Governor Robie and Governor Dingley, and those men really know of the great cities and towns of their State? If you were to ask of the Governor of our State to-day how many places there are in Manchester, how many places there are in Laconia, or how many places there are in this city where liquor is sold, do you think he could tell? I tell you nay.

These men are above searching for such places; they have no business that takes them there, and no desire to know the number of rum-shops in a State; they do not reach out into that stratum in society; and even if a governor of a great State did know or mistrust something in regard to it, let me ask you what would you think if your governor, or any other representative man, should write to other States belittling our beloved State and her laws? With this view in mind, it occurred to me that I would write to people who had occasion to go around and see these things; therefore I wrote to newspaper reporters. They are industrious; they are men who serve up to the public information as to the events of every day, and I suppose they are as honest a class of men, as a whole, as walks God's earth. I will

read one of my letters, with the answers, to show you what I wrote to different papers, to the city marshals of different cities, and others in the States that have constitutional prohibition.

LACONIA, N. H., December 21, 1888.

*Editor Bangor Daily Commercial:*

DEAR SIR, — Will you kindly give me what information you can upon the working of the constitutional prohibition amendment in Maine?

1. In your own city, have you any less places where liquor is sold now than before such amendment? No difference.

2. Is there less crime? No.

3. Can you give the number of places where liquor is sold now, and also the number before said amendment? About 150.

4. Is there less drunkenness than formerly? No particular change.

5. Is the law working so satisfactorily that you would advise other States to adopt such amendments to their Constitution? Decidedly not.

6. Any other information that will assist one who is a delegate to a constitutional convention, and desires (being unpledged and unbiased) to do just what is for the best interest for his State. A judicious license law is the best method of dealing with the liquor traffic.

If you will kindly give this an early reply, as our convention sits January 4, 1889, I shall be pleased to pay you for any trouble or expense you are caused thereby, if you will forward your bill with reply.

Very truly yours,

F. M. BECKFORD.

F. H. GETCHELL, Editor "Commercial."

He adds: "The law and amendments are a dead letter in this State, no attention being paid to them whatever."

I wrote letters similar to that, and sent them to different States. I sent one to E. C. Allen & Co., Augusta, Me., who, as you know, publish a pictorial paper, and they reply as follows:

LACONIA, N. H., December 21, 1888.

*E. C. Allen & Co.:*

DEAR SIRS, — Will you kindly give me what information you can upon the working of the constitutional prohibition amendment in Maine?

1. In your own city, have you any less places where liquor is sold now than before such amendment? No.

2. Is there less drunkenness than before? No.

3. Can you give the number of places where liquor is sold now, and also the number before said amendment? Thirty-six now, and before it ran from twenty-two to thirty.

4. Is there less crime? We should say there was more crime.

5. Is the law working so satisfactorily that you would advise other States to adopt such amendments to their Constitutions? The entire prohibition law in this State is a farce and used as a political machine.

6. Any other information that will assist one who is a delegate to a constitutional convention, and desires (being unpledged and unbiased) to do just what is for the best interest of his State.

If you will kindly give this an early reply, as our convention sits January 4, 1889, I shall be pleased to pay you for any trouble or expense you are caused thereby, if you will forward your bill with reply.

Very truly yours,

F. M. BECKFORD.

It is possible that in a few small towns the law may have a good effect, but in larger towns throughout the State liquor can be freely obtained, the only effect being that a poor, cheap quality of liquor is kept, and the traffic is driven into the hands of a class of unscrupulous men.

Very truly yours,

E. C. ALLEN & CO.

The following is a letter from the city marshal of Woonsocket, R. I.:

DEAR SIR,—In reply to your inquiries of the working of the prohibition amendment in this city, think there are many more places where liquor can be bought than before; do not notice any difference in crime; think between sixty and seventy places were licensed here before the amendment; do not notice any great difference in drunkenness; cannot say that I would advise other States to adopt such an amendment if the result would be the same as in Rhode Island.

Very respectfully,

JOHN G. CURRIER,

*Chief of Police.*

The following letter is also from Rhode Island:

OFFICE OF RHODE ISLAND DEMOCRAT,

PROVIDENCE, R. I., December 31, 1888.

DEAR SIR,—Yours of December 21st received. Hope you will pardon delay in writing and attribute it to the busy season of the year. Am glad your letter fell into my hands, and will answer your several questions conscientiously. I voted for the prohibitory amendment, and therefore feel that I have a right to express my views, and I can do so from an unprejudiced standpoint.



As to your first question, more or less places where liquor is sold, I am inclined to think places have increased, and certainly of a more degenerate character.

2. As to crime, there is as much, if not more, and rum as usual appears to be the inspiring demon.

3. Have not statistics on hand, but think with the club rooms that now infest Providence there are as many, if not more, places to obtain liquor than before the passage of the amendment.

4. There is certainly as much drunkenness seen on the street now as before the amendment, and I think the police courts show a slight increase in business since the passage of the law.

5. The law does not work satisfactorily, for it has not the moral support of the community, and the officials knowing this are rather lax in enforcing it. Judging from our experience in Rhode Island, should not advise any State to adopt it, and, if opportunity occurs, should vote to repeal in this State.

Have come to the conclusion that instead of prohibiting, the law demoralizes the traffic, without decreasing the sales to any perceptible extent.

The letter is marked "Confidential," and therefore I withhold the name of the writer.

I listened to the gentleman from Manchester (Mr. Cross), as he portrayed to you the benefits of the constitutional provision in Iowa in such glowing language and eloquent manner, and I was amazed that a judge in one of our cities, and one who is such authority on temperance matters, should not know that they have no constitutional prohibition in Iowa. The fact of the case is that Iowa is living under statutory prohibition, and all that has been accomplished for temperance in that State has been done by a statute law no stronger or better than our own, and what has been done there can be done here, if the gentlemen are honest and want to see the law enforced instead of making new law. Gentlemen, I make this statement and challenge any man to deny it. Our statute law in this State is so strong to-day that any man who honestly wants to enforce it, if he follows it up, can bankrupt any man or men engaged in the sale of liquor against its provisions.

I labored under the impression that Iowa had constitutional prohibition, and wrote to Mr. Kelley, of Forest City, Ia.; a lawyer, a gentleman whom many of you know, as strong a Prohibitionist as any man upon this floor, and he informs me that



they have not constitutional prohibition in that State. I will not read the whole of the letter; I will give you the contents of it. He says that they are living under statutory law, and thinks it is working well; but he winds up his letter by saying: "By no means would I advise constitutional prohibition; statutory law is the best method of handling this matter."

I received from every State the same report, except that I have one letter, and you shall have the benefit of it, from a gentleman in Iowa, who believes that constitutional prohibition works well; and he goes on to extol constitutional prohibition in his own State in eight or ten long pages which I will not trouble you with reading. He says there are but two places in Des Moines where liquor is sold. He labors under the mistake that Iowa has constitutional prohibition. Thus you see we have another argument showing us that statute law is the way to govern the matter. He does say, however, that the ill effects of the law are noticed in the depreciation of property; he says he thinks it does affect property badly. But with that letter came another from the Des Moines "Leader," which is as follows:

THE DES MOINES LEADER,

OFFICE MANAGING EDITOR,

December 28, 1888.

DEAR SIR,—A pressure of business has compelled me to defer answering your favor of the 21st instant until this time, and I can now only give you the information desired in a very brief form.

1. Iowa has no constitutional prohibition amendment. Such an amendment was submitted to a vote, and adopted in 1881, but was afterwards declared void by the supreme court on account of a technical error in passing the Legislature. A prohibitory law was afterwards enacted, however, and the people of Iowa are now living under prohibition of a very stringent kind. This city gave a majority of twelve hundred for the amendment when it was voted upon, and the county two thousand. One year ago the question of repealing the law was made a test; an anti-prohibitionist was nominated for the Legislature and was elected by two hundred majority. I have no doubt that if the question of repeal was submitted free from all entangling alliances, it would receive at least a thousand majority. There is no diminution in the number of places where liquor is sold, but rather an increase, although it has cost the tax-payers of the city over \$40,000 in attempts to enforce the law.

2. This question I answer no, as is shown by the records of the police court.

3. A prominent Prohibitionist stated the other day that there over one hundred places in this city where liquor is sold. I do not know the exact number, but think this is a low estimate. Under license, just preceding prohibition, there were fifty-six saloons.

[You will note the other gentleman says only two places.]

4. No.

5. I would not. It has not promoted temperance, but it has seriously injured the State by keeping out an emigration, and by driving out people already here.

6. I could give you a great deal of information if I had the time. I am satisfied that no unprejudiced man who is familiar with the operation of prohibition, its effect upon the morals and business of the community, would vote for its continuance or to inflict it upon the State in which he might live.

With great respect, I remain,

Yours truly,

H. C. SHAVER, *Editor*.

If we go through the whole list of these letters, we shall find the same opinions expressed, with the exception of the one man who favors constitutional prohibition, and thinks he is living under it in Iowa. Now let me ask every gentleman within the sound of my voice if he imagines that the placing in the Constitution of New Hampshire an amendment of this kind, prohibiting the manufacture and sale of intoxicating liquors, will actually prohibit it? Why, the mere enactment of such an amendment to the Constitution of New Hampshire, without the necessary statute laws to enforce such amendment, would no more prohibit the sale of liquors in New Hampshire than it would protect your homes from the thunder-bolt to ingraft into the same instrument the prohibition of the lightning that flashes across the stormy sky in midsummer. It requires statute law and moral sentiment back of the law to enforce it, and every gentleman present knows that is true.

Now, gentlemen, what is the Constitution? I ask every lawyer in this house, I ask every judge upon the bench to-day and those who have sat there in the past, is not the Constitution the fundamental rock, the rock whereon we build? Was it intended to ingraft into the Constitution all the minute details of government? Is that what the Constitution is for? Gentlemen, the

Constitution is the bed-rock on which we build, and in this bed-rock to-day there are provisions enough, for they cover temperance, morality, and religion ; there is plenty of room to build upon by statutory law. Now does it make prohibition any stronger to ingraft it into the Constitution? Do you deem it necessary to put a prohibitory amendment into the Constitution in order to enforce the law? If it is necessary that there should be such an amendment to drive out this demon drink, — which I firmly believe is doing more to ruin our fair country than any other evil, — if that is necessary and will entirely prohibit this evil, why should we not ingraft into the Constitution a prohibition of murder, of arson, of robbery, of the social evil, and kindred crimes? Is it not sound argument that such amendments should be incorporated into the Constitution as well as the one proposed? If this result can be accomplished in one case, it surely can in the other.

Gentlemen, the whole argument is fallacious. Let us be careful what we do here at the behests of any man or clique of men to bring our Constitution into disgrace. Let us keep this grand old instrument inviolate, as it was handed down to us, not to be made a part of our statute law that must necessarily change from year to year as new exigencies may arise, but the grand declaration of our principles, the one guiding star toward which our eyes may always turn with pride and honor. For this reason let me say for myself right here, if the license people were before this convention praying for a license amendment, I would put my foot on that just as firmly as I do on this, on the same ground that no provision relating to this matter should be put into the Constitution any more than any other statutory crime.

In this convention, upon every important proposition that has come before us, we have been told by the gentlemen who advocated it that so many States favored that proposition ; we were told that three fourths of the States of the Union held their sessions of the Legislature in January, and therefore we should hold ours at the same time ; we were told that because most of the other States paid a salary to their representatives, we should pay a salary. Now I ask those gentlemen who adduced that argument, how do you stand on this prohibition resolution? In this



broad Union of ours there are but three States which have constitutional prohibition. If your argument is good in one case, that we should do as others are doing, why is it not as valid in another? The gentleman from Exeter (Mr. Bell) who occupies the chair told us we should submit no amendments except such as are morally sure to be approved by the people, and for which there existed a general demand. Since this convention was called, I have heard gentlemen upon this floor, in this debate, say that there was a general demand for constitutional prohibition when this convention was called. I ask you who, in March, 1887, heard of there being any desire to put into the Constitution an amendment prohibiting the manufacture and sale of liquor? I tell you if the question had been submitted at that time, if the people at home had had any idea we should have attempted to tinker the Constitution in this respect, this convention never would have met.

Now what are we to do with this question? It has been said that it should be taken out of politics, and this will do it; and my learned friend from Claremont (Mr. Colby), — and let me here say that I am perfectly aware that my bones will lie in all corners of this hall when I get through and these learned gentlemen get after me, — my learned friend from Claremont said that this question should be forever taken out of politics, and his voice rang and thrilled with every fiber of his being. Let me ask the gentleman from Claremont what is to prevent its being in politics again in seven years from now? I predict that when seven years shall have rolled away, if this resolution is adopted to-day and accepted by the people at the polls, there will stand at the doors of your great party convention the Prohibitionists of New Hampshire, demanding that you ingraft a plank into your platform that this amendment shall not be repealed, and woe to the party who refuses to obey their behest. Again, what is to enforce this amendment? It will naturally disarrange your whole statute law. New laws must be made to enforce such an amendment. Let me again ask, will that not carry it into politics? Will they not demand the right to dictate your nominations to the Legislature? You say it is not going to be a party question. I want to know why it will not be a matter of political discus-



sion seven years hence as well as to-day and every day up to that time. In God's name, can any man tell what is to hinder it?

Another reason adduced why we should vote for this amendment is that a large number of people demand it. Is that so? What do you call a large number? I find that the petitions presented to this convention — and if I am incorrect I hope Judge Cross will correct me, for I have no desire to be unfair — purport to be signed by 4,300 names. We all know how easy it is to get signers to a petition. But beyond that, many signatures are in this form: Mrs. So-and-so or Mr. So-and-so, for the Woman's Christian Temperance Union; Mr. So and-so or Mrs. So-and-so, for the Independent Order of Good Templars, representing so many members. There is no deduction made for any who may have signed the petition personally, but every member is counted; thus Mr. M. signs the petition, then Mr. Secretary of the W. C. T. U. signs for so many members, the number of the lodge; then Mr. Secretary of the Golden Cross or some other order signs for his lodge; and as Mr. M. belongs to all three lodges and signed the petition personally, he is counted four times. This is a moral way of repeating. If I am not greatly mistaken, that is the way the 4,300 names were obtained. Am I correct, Judge Cross?

Mr. Cross: I will tell you presently.

Mr. Beckford: I should be glad to have you tell me now. I think you ought to tell me now. I am only a boy in debate and knowledge in comparison to a man of your age and ability, and you ought to be able and not afraid to answer my honest questions, if you are honest in what you say and what you do. But I will call it five thousand signers who have petitioned this honorable body, and say nothing in regard to the repeating; and now if you will take your pencils and calculate the percentage, calling the population of New Hampshire 350,000, — the honorable secretary of state (Mr. Thompson) informs me it is much nearer 370,000, but we will call it 350,000, — you will find that it is one and a quarter per cent of your whole population, one and a quarter in every hundred in the State of New Hampshire. They have raked high and low, doubled them up four times in

many instances, and found one and one fourth per cent, just that number, to come here and ask this legislation. Is that a demand? Is that a fair demand? Is there any demand when there is only one man in a hundred who comes here and asks it? And I will add this: I know that upon the petition which comes from Laconia there are the names of men who will vote against it, men who would no more go without their rum than their dinner.

I have heard gentlemen upon this floor, — and that is one reason why I am obliged to express my opinion, — I heard them say, “I shall vote for it here to submit it to the people, but shall vote against it at home.” Ah, gentlemen, they may do that. I have had it said to me within twenty-four hours that I was making a mistake. I tell you, gentlemen, here and now, I am not; neither do I lay any claim to being more honest than men in general, but I would sooner that right hand of mine were withered than to step into Congress to-night by casting a vote here to ingraft into the Constitution what I believe to be wrong, against my convictions. I say still further, that any man who takes that position and votes in that way seems to me to be acting nothing more and nothing less than the part of a hypocrite; and as for me, I had rather stand before God Almighty a horse-thief and a highway robber than to stand before him as a hypocrite. Now, gentlemen, if you will vote as you believe, I know what will be the fate of this amendment.

Do not let any gentleman rise and follow me and say that I am not a temperance man. One of the main reasons I have against the passage of this resolution is that I firmly believe it would be the worst blow the temperance party of New Hampshire has ever received. Let me ask, how many gentlemen are there before me who believe this amendment will become a law if it is submitted to the people? There are not two in this hall who believe it will become a law. And, gentlemen, if this amendment is defeated by the people, there will be rum-holes springing up at every street corner, because the dealers will feel that public opinion stands behind them. If we submit this amendment to the people and it should be defeated, I believe that it will be the worst blow temperance has received for twenty-five

years. If I should vote for this amendment here, I should vote for it at the polls. But we have heard it urged in this convention that we only vote to submit it to the people. Delegates here relieve themselves of responsibility by saying, "I do not believe in the amendment myself, but I am in favor of submitting it to the people." If that is the true principle, why need there be any constitutional convention? Let me ask you, gentlemen, who voted against having the Legislature submit amendments to the people every two years, on the ground that there should be at least a majority who wanted the Constitution amended, if it was left to the Legislature they would be tinkering the Constitution all the time, and it would not require such a demand as ought to be had to amend the Constitution.

How can you consistently vote to submit this proposition to the people simply because one and one fourth per cent of the people demand it? Could they not demand it through the Legislature as well? There would be no call for a constitutional convention if you take that position, for that per cent can be obtained on any subject, in my judgment.

Our Constitution should be kept inviolate. It is the fundamental law upon which we stand, the organic law to which we can anchor our bark in every storm at all times and find safety. It should not infringe upon the province of statutory law in any particular. The fathers who framed the Constitution had no such intention. They ingrafted into it their principles, grand, noble, and massive. Let us thus labor to keep it pure and inviolate, as it has been handed down to us. Let us transmit the same to our children, that they may say of us, even as we do of our ancestors, "They builded better than they knew."

Gentlemen, I thank you for your kind attention. I have only to say in closing, I am loyal to my party; I believe in my party; I am loyal to temperance; I believe in temperance; but as truly as I stand before you, while I shall vote against submitting this amendment to the people, I shall do it because I believe I am doing right, not at the behest of any man, any party, or any clique of men, but as I see the light in the broad sunshine of God's favor and countenance; and, gentlemen, as another has said, "If this be treason, make the most of it."



Mr. Cross of Manchester: The gentleman (Mr. Beckford) who has so eloquently addressed you is a temperance man and fears that the temperance cause may suffer if you ingraft this principle into the Constitution. Of course the gentleman is honest and sincere. Now the other friends of temperance, I think, by a large majority do not agree with him. They have looked the matter over in this State and in other States, and are urging the measure which we are urging here. They are attempting to establish it in Massachusetts, and I think they will succeed. They have incorporated it into their Constitution in some other States. The gentleman from Laconia (Mr. Beckford) says I was mistaken about Iowa; yet in the latter part of his talk he said something about such a constitutional provision being ratified in that State. I hold in my hand a joint resolution proposing to amend the Constitution so as to prohibit the manufacture and sale of intoxicating liquor as a beverage in the State of Iowa. The twenty-sixth section provides that no person shall manufacture for sale, or sell, or keep for sale, as a beverage, any intoxicating liquor whatever, ale, wine, or beer. This is a part of the constitutional provision that was enacted in the State of Iowa and was submitted to the people of Iowa, and by a majority of thirty thousand they adopted that enactment. Afterwards, it is true, there was some quibble about something in the passage of the resolution, and the question was submitted to the supreme court, and the supreme court decided, that on account of some technicality the amendment did not become a constitutional provision of the State; but it was approved by the people, and the Legislature from that time to this have acted in accordance with it. The great party of Iowa, at the last state convention, put into their platform with reference to temperance legislation, "The Republicans of Iowa take no step backward." They indorsed the provision, and they carried the State by more than thirty thousand majority. The gentleman (Mr. Beckford) said, as I understood him, that he is in favor of license as against prohibition.

Mr. Beckford: Will the gentleman allow me to interrupt him? I have not said at any time that I was in favor of license. I am in doubt what is the best method. I am simply against



this amendment. I do not say, and never have said at any time, that I favored a license law. I said that I should object to the resolution being put into the Constitution.

Mr. Cross: The gentleman is a temperance man without any principle as to prohibition or license. He has not made up his mind yet whether it is best to have license or best to have prohibition. Now, gentlemen, it is too late to discuss this question, and I do not think it is necessary. I know you would weary if I undertook to discuss it; but I wish to suggest this in regard to the letters he has presented: I do not know but those letters are honest, but Governor Burley, in his message to the Legislature of Maine within a week past, commends the advantages that the prohibitory amendment in the Constitution has been to the State of Maine, and Governor Burley lives in a city and understands something of the affairs of his State. He says that this provision in the Constitution has worked well. I hold in my hand an account of a meeting in Boston in which the honorable Mr. Grinnell, of Iowa, spoke of the beneficial effects of prohibition in his State.

Iowa, Maine, and Kansas have adopted the prohibition principle, and it is the testimony of judges, and it is the testimony of individuals in those States, that it has been beneficial and has aided in the suppression of intemperance. I suppose that some gentlemen may argue that the prohibitory law has done no good in this State; but I believe if you go to the country towns of this State,—to the towns of Weare, Henniker, Dunbarton, and various other towns I might enumerate all over the State,—you would find that the prohibitory law has worked well. It is true that it has not been everywhere enforced; but as the gentleman from Claremont has said, the question of prohibition or license is now before the people. I believe that the men who have asked to have this resolution incorporated into the Constitution think that the principle of prohibition is the true principle to stand by and to live by. As I said, from 1778 to 1849 and in 1855 we tried the principle of license, and its results were bad. Since then we have adopted the principle of prohibition, and, although it has not done all we might hope, it has been a great advance. Advance is in the line of prohibition and not in

the line of license. I challenge any man to go to a town or city where they have license and compare it with a town where they have prohibition. In the city of Boston they have license, and witness the increase of crime and the increase of the numbers in their prisons in the last few years. If I could call attention to an article in a newspaper which I have in my pocket, I could show you that in the city of Concord, where they have undertaken to enforce the prohibitory law and have enforced it, and compare it with the city of Portsmouth, where they have not enforced it, you would find that the number of arrests in the city of Portsmouth is four times as great as the number of arrests in the city of Concord.

Mr. Sulloway of Franklin: What did they do with the man who enforced the law at this last election?

Mr. Cross: I do not know what they did with this man or with that man; it makes no difference. If you did right or did wrong in the county of Merrimack, it is none of my business. I think you made a mistake in not electing the man that I should vote for.

Mr. Parsons of Franklin: It was a pretty good test of what they wanted in Merrimack county.

Mr. Cross: The question is whether we will submit this amendment to the people. A respectable number of people have asked it. I ask and they ask that they may have the opportunity to indorse it. The gentleman from Laconia (Mr. Hibbard) says that it has not been adopted in all States. Shall we wait to be the last State? That has nothing to do with it. The question is whether the principle is right, and if the principle is right let us act fearlessly.

Mr. Pitman of Conway: It is a self-evident fact that it will take much time to dispose of this question, and on account of the lateness of the hour I move we now adjourn.

The motion was rejected.

Upon this question Mr. Hatch of Greenland demanded a division, which resulted as follows:

One hundred and forty-four members voted in the affirmative and one hundred and thirty-eight in the negative, and the motion did not prevail.

Mr. Beckford of Laconia : I hope there will be no dilatory motions. The question has been fully discussed, and I am sure we shall all be glad to get it out of the way.

The question being stated,

Shall the resolution reported by the special committee be adopted ?

Upon this question Mr. Sulloway of Franklin demanded the yeas and nays, and the demand was sustained.

The following gentlemen voted in the affirmative :

Abbott, Andros, Annett, Armington, Baker, Barker, Barnard of Hopkinton, Barnard of Thornton, Bartlett of Derry, Bartlett of Manchester, Barton, Bell, Bemis, Bill, Binford, Blake of Danville, Blake of Fitzwilliam, Bond, Briggs, Brigham, Brown of Exeter, Bunten, Burton, Buttrick of Alexandria, Buttrick of Troy, Buxton, Cass, Cate, Chadwick, Clifford, Cochran of Antrim, Cochran of Pembroke, Cochran of Windham, Colby, Cole of Berlin, Cole of Dummer, Cole of Stark, Collins of Milan, Coleman, Conway, Cram, Crawford, Cross, Curtis, Damon, Danforth, Davis of Hopkinton, Davis of Warner, Dolbeer, Dole, Dolloff, Dorr, Dowe, Drake, Dudley, Duncan, Durgin, Edgerly, Ellis, Emory of Rindge, Farnham of Stewartstown, Felker, Fletcher, Foster, French of Nashua, Frost, Gerrish, Gilmore, Gould, Gove, Gray, Hadley, Hall of Claremont, Hall of Manchester, Hanson of Ward 2 Dover, Hardy, Harvey, Hatch of Peterborough, Hayes of Milton, Hayward, Hersey, Hill of Stratford, Holland, Holt, Howard, Huse, Johnson of Hampton, Kelley, Knapp, Knowles, Lang, Lary, Libbey, Little of Pembroke, Luce, Lyman, Manahan, Marshall of Nashua, Marshall of Pelham, Marshall of Unity, Mason of Concord, Mason of Harrisville, Mathes, McKellips, McLane, Melcher, Merriam, Messenger, Miles, Miller, Morrill of Grantham, Mussey, Newell, Newton of Hill, Noyes, Page of Manchester, Paul, Perley, Philbrick, Pillsbury of Derry, Pillsbury of Londonderry, Prescott, Prichard, Putney, Rawson, Richards, Richardson, Roby, Ruggles, Sanborn



of Ashland, Sanborn of Hampstead,\* Sawyer of Columbia, Sawyer of Newbury, Schoppe, Shepard, Sherman, Sisson, Smith of Hudson, Smith of Manchester, Smith of New Hampton, Spalter, Spaulding, Story, Stowell, Taggart, Thompson, Thurston, Tilton, Todd, Towle, Walker, Wallace of Milford, Washburn, Webster, Wells, Whitaker, Whitney of Keene, Wiggin of Bedford, Wiggin of Tamworth, Wilson, Winch, Wood, Woolson, Woodman, Young of Madbury, Young of Northfield.

And the following gentlemen answered in the negative :

Amidon, Bachelder, Bales,† Bartlett of Raymond, Becker, Beckford, Bennett of Alton, Bennett of Tuftonborough, Berry, Blodgett, Boynton, Brown of Nashua, Brown of Rye, Butler, Cavanaugh, Chase, Child, Cilley, Clark of Deerfield, Clark of Manchester, Clarkson, Clough, Collins of Manchester, Cone, Craig, Crowell, Cummings, Currier of Chester, Currier of Wentworth, Davis of Acworth, Davis of Amherst, Davis of Bow, Davis of Ossipee, Day, DeMeritt, Dresser, Drury, Duston, Eastman, Eldredge, Emerson, Emery of Auburn, Farnum of Frankestown, Fernald, Fessenden, Fisher, Flood, Fradd, Frazier, French of Portsmouth, Furbush, Garland, George, Glidden, Graves, Green, Griffin, Hatch of Eaton, Hatch of Greenland, Hayes of Manchester, Hibbard, Hill of Ellsworth, Hobbs, Hoit, Hopkins, Hubbard, Hunkings, Johnson of Enfield, Jones of Monroe, Jones of Portsmouth, Jones of Stratham, Ladd, Leighton, Lane, Leahy, Little of Warren, Littlefield, Locke, Lovejoy, Mallon, Manning, McCrillis, McMahan, Mellows, Morrill of Gilford, Morse of Bradford, Nash, Newton of Bennington, Noonan, Nutter, Page of Dover, Page of Portsmouth, Parker of Farmington, Parker of Nashua, Parsons, Pillsbury of Tilton, Pitcher, Pitman of Bartlett, Pitman of Conway, Poor, Porter, Randall of Chesterfield, Randall of Grafton, Rounsevel, Ryan, Sanborn of East Kingston, Sanborn of Fremont, Sanborn of Portsmouth, Sanborn of Wakefield, Scott, Smith of Haverhill, Smith of Lancaster, Smith of Mont Vernon, Smith of Plymouth, Smith of Salisbury, Sullivan, Sulloway, Trefethen, Wallace of Holderness, Watson, Waterhouse, Weeks, Wheeler, Whitcher, Whitman, Whitney of Franconia, Whittier, Wilkinson, Williams, Willis, York.

\* See statement of Mr. Todd, page 263. † See statement, page 253.



And one hundred and sixty-six gentlemen having answered in the affirmative and one hundred and thirty-one in the negative, the affirmative prevailed and the resolution was adopted.

The president announced the Committee on Publication as follows: Messrs. Hibbard of Laconia, Frost of Dover, Manahan of Hillsborough, Curtis of Concord, and Foster of Lisbon.

Mr. Lyman of Exeter moved that when the convention adjourn, it be to meet at 7.30 o'clock this evening, and the motion prevailed.

Mr. Bickford of Manchester, from the Committee on Mileage, submitted the following report:

We find the members of this convention entitled to pay for 38,341 miles' travel, according to the returns made to the committee by the members, with such other information as the committee have been able to obtain, a list of the members with the number of miles traveled by each being herewith submitted as a part of this report, and the committee offer the following resolution:

*Resolved*, That each member be allowed the number of miles' travel set opposite his name in the list submitted, and that the secretary be instructed to make up the mileage roll of the convention in accordance therewith.

The resolution was adopted.

#### MILEAGE ROLL.

Abbott . . .	154	Barnard of Thornton .	130
Amidon . . .	170	Bartlett of Derry .	60
Andros . . .	206	Bartlett of Manchester .	40
Annett . . .	197	Bartlett of Raymond .	75
Armington . . .	260	Barton . . .	90
Bachelder . . .	140	Becker . . .	128
Baker . . .	130	Beckford . . .	54
Bales . . .	102	Bell . . .	142
Barker . . .	250	Bemis . . .	114
Barnard of Hopkinton	22	Bennett of Alton .	176

Bennett of Newmarket	104	Cochran of Pembroke .	18
Bennett of Tuftonborough . . .	220	Cochran of Windham .	70
Berry . . . .	170	Colby . . . .	110
Bickford . . . .	40	Cole of Berlin . . .	344
Bill . . . .	158	Cole of Dummer . .	320
Binford . . . .	314	Cole of Stark . . .	322
Blake of Danville . .	120	Collins of Manchester .	40
Blake of Fitzwilliam .	200	Collins of Milan . .	360
Blodgett . . . .	38	Coleman . . . .	186
Bond . . . .	134	Cone . . . .	72
Boynton . . . .	160	Conway . . . .	166
Briggs . . . .	40	Craig . . . .	114
Brigham . . . .	154	Cram . . . .	112
Brown of Exeter . . .	142	Crawford . . . .	100
Brown of Nashua . . .	72	Cross . . . .	40
Brown of Rye . . . .	130	Crowell . . . .	162
Bunten . . . .	16	Cummings. . . .	340
Burnham . . . .	40	Currier of Chester .	96
Burton . . . .	140	Currier of Wentworth .	138
Butler . . . .	40	Curtis . . . .	4
Buttrick of Alexandria	70	Damon . . . .	120
Buttrick of Troy . . .	200	Danforth . . . .	2
Buxton . . . .	16	Davis of Acworth . .	114
Cass . . . .	116	Davis of Amherst . .	92
Cate . . . .	48	Davis of Bow . . . .	6
Cavanaugh . . . .	40	Davis of Hopkinton .	24
Chadwick . . . .	76	Davis of Ossipee . .	250
Chase . . . .	20	Davis of Warner . . .	38
Child . . . .	174	Day . . . .	300
Cilley . . . .	100	DeMeritt . . . .	114
Clark of Deerfield . .	80	Dolbeer . . . .	28
Clark of Manchester . .	40	Dole . . . .	130
Clarkson . . . .	72	Dolloff . . . .	132
Clifford . . . .	8	Dorr . . . .	130
Clough . . . .	42	Dowe . . . .	130
Coburn . . . .	226	Drake . . . .	58
Cochran of Antrim . .	70	Dresser . . . .	64
		Drury . . . .	82

Dudley . . . .	148	Graves . . . .	54
Dunbar . . . .	100	Gray . . . .	336
Duncan . . . .	144	Green . . . .	118
Durgin . . . .	2	Griffin . . . .	40
Duston . . . .	86	Hadley . . . .	2
Eastman . . . .	206	Hall of Claremont . .	114
Edgerly . . . .	65	Hall of Manchester . .	40
Eldredge . . . .	120	Hanson of Ward 2,	
Ellis . . . .	100	Dover . . . .	122
Emerson . . . .	172	Hanson of Ward 4,	
Emery of Auburn . .	60	Dover . . . .	122
Emery of Concord . .	2	Hardy . . . .	74
Emory of Rindge . .	191	Harvey . . . .	146
Farnum of Francestown	120	Hatch of Eaton . .	300
Farnham of Stewarts-		Hatch of Greenland .	110
town . . . .	362	Hatch of Peterborough	96
Farrington . . . .	140	Hayes of Dover . .	122
Fassett . . . .	76	Hayes of Manchester .	40
Felker . . . .	140	Hayes of Milton . .	176
Fernald . . . .	160	Hayes of Somersworth	130
Fessenden . . . .	142	Hayward . . . .	92
Fisher . . . .	176	Hersey . . . .	130
Fletcher . . . .	184	Hibbard . . . .	54
Flood . . . .	72	Hill of Ellsworth . .	128
Foster . . . .	206	Hill of Strafford . .	148
Fradd . . . .	40	Hobbs . . . .	70
Frazier . . . .	70	Hoit . . . .	72
French of Nashua . .	72	Holland . . . .	122
French of Portsmouth	120	Holt . . . .	128
Frqst . . . .	120	Hopkins . . . .	170
Furbush . . . .	266	Howard . . . .	100
Garland . . . .	270	Hubbard . . . .	40
George . . . .	50	Hunkings . . . .	98
Gerrish . . . .	25	Huse . . . .	42
Gilmore . . . .	40	Johnson of Enfield .	116
Glidden . . . .	112	Johnson of Hampton .	144
Gould . . . .	134	Jones of Monroe . .	228
Gove . . . .	260	Jones of Portsmouth .	120

# 210 JOURNAL OF THE CONSTITUTIONAL CONVENTION.

Jones of Stratham . . . . .	100	Morrill of Grantham . . . . .	160
Kelley . . . . .	78	Morse of Bradford . . . . .	56
Kimball . . . . .	2	Morse of Loudon . . . . .	16
Knapp . . . . .	130	Mussey . . . . .	110
Knowles . . . . .	42	Nash . . . . .	284
Ladd . . . . .	272	Newell . . . . .	174
Leighton . . . . .	40	Newton of Bennington . . . . .	70
Lane . . . . .	32	Newton of Hill . . . . .	56
Lang . . . . .	180	Noonan . . . . .	400
Lary . . . . .	240	Noyes . . . . .	246
Leahy . . . . .	140	Nutter . . . . .	70
Libbey . . . . .	206	Page of Dover . . . . .	124
Little of Pembroke . . . . .	16	Page of Manchester . . . . .	42
Little of Warren . . . . .	142	Page of Portsmouth . . . . .	120
Littlefield . . . . .	120	Pageot . . . . .	140
Locke . . . . .	120	Paris . . . . .	40
Lovejoy . . . . .	86	Parker of Farmington . . . . .	160
Luce . . . . .	40	Parker of Nashua . . . . .	72
Lyman . . . . .	142	Parsons . . . . .	36
Mallon . . . . .	120	Paul . . . . .	100
Manahan . . . . .	56	Perley . . . . .	112
Manning . . . . .	40	Philbrick . . . . .	72
Marshall of Nashua . . . . .	74	Pillsbury of Derry . . . . .	60
Marshall of Pelham . . . . .	80	Pillsbury of London-	
Marshall of Unity . . . . .	126	derry . . . . .	60
Mason of Concord . . . . .	2	Pillsbury of Tilton . . . . .	36
Mason of Harrisville . . . . .	105	Pitcher . . . . .	132
Mathes . . . . .	206	Pitman of Bartlett . . . . .	292
McCrillis . . . . .	88	Pitman of Conway . . . . .	284
McKellips . . . . .	76	Poor . . . . .	200
McLane . . . . .	64	Porter . . . . .	122
McMahan . . . . .	120	Prescott . . . . .	18
Melcher . . . . .	54	Preston . . . . .	146
Mellows . . . . .	104	Prichard . . . . .	166
Merriam . . . . .	160	Putney . . . . .	6
Messenger . . . . .	410	Quimby . . . . .	108
Miles . . . . .	265	Randall of Chesterfield . . . . .	198
Miller . . . . .	96	Randall of Grafton . . . . .	95
Morrill of Gilford . . . . .	62	Rawson . . . . .	150



Richards . . . . .	86	Sulloway . . . . .	38
Richardson . . . . .	112	Taggart . . . . .	54
Roby . . . . .	60	Thompson . . . . .	48
Rounsevel . . . . .	226	Thurston . . . . .	120
Rowell . . . . .	130	Tilton . . . . .	70
Ruggles . . . . .	150	Todd . . . . .	114
Ryan . . . . .	40	Towle . . . . .	148
Sanborn of Ashland . . . . .	92	Trefethen . . . . .	112
Sanborn of East Kings-		Walker . . . . .	2
ton . . . . .	132	Wallace of Holderness	104
Sanborn of Fremont . . . . .	96	Wallace of Milford . . . . .	94
Sanborn of Hampstead . . . . .	82	Washburn . . . . .	176
Sanborn of Manchester . . . . .	40	Watson . . . . .	50
Sanborn of Portsmouth . . . . .	120	Waterhouse . . . . .	120
Sanborn of Sanbornton . . . . .	68	Webster . . . . .	90
Sanborn of Wakefield . . . . .	200	Weeks . . . . .	102
Sawyer of Columbia . . . . .	322	Wells . . . . .	130
Sawyer of Newbury . . . . .	58	Wheeler . . . . .	85
Schoppe . . . . .	396	Whitaker . . . . .	146
Scott . . . . .	120	Whitcher . . . . .	216
Shepard . . . . .	76	Whitman . . . . .	72
Sherman . . . . .	216	Whitney of Franconia . . . . .	242
Sisson . . . . .	152	Whitney of Keene . . . . .	130
Smith of Dalton . . . . .	264	Whittier . . . . .	148
Smith of Haverhill . . . . .	170	Wiggin of Bedford . . . . .	50
Smith of Hudson . . . . .	66	Wiggin of Tamworth . . . . .	250
Smith of Lancaster . . . . .	270	Wilkins . . . . .	100
Smith of Manchester . . . . .	40	Wilkinson . . . . .	40
Smith of Mont Vernon . . . . .	104	Williams . . . . .	162
Smith of New Hampton . . . . .	94	Willis . . . . .	146
Smith of Plymouth . . . . .	102	Wilson . . . . .	64
Smith of Salisbury . . . . .	36	Winch . . . . .	144
Smith of Sunapee . . . . .	80	Wood . . . . .	130
Spalter . . . . .	130	Woolson . . . . .	206
Spaulding . . . . .	70	Woodman . . . . .	2
Stevens . . . . .	90	York . . . . .	146
Story . . . . .	40	Young of Madbury . . . . .	130
Stowell . . . . .	114	Young of Northfield . . . . .	36
Sullivan . . . . .	16		

*Resolved*, That the convention be brought to a close on Saturday, January 12, and that the secretary be requested to make up the pay-roll accordingly.

Mr. Danforth: I introduce this resolution at the request of the state treasurer. It will be known to every one present that the state treasurer wants the pay-rolls in his possession as soon as possible, and he desired a resolution of this kind introduced, so that everything could be ready and there would not be such a rush as would otherwise occur.

The resolution was adopted.

On motion of Mr. Hobbs of Candia, the convention adjourned.

#### EVENING.

The convention met according to adjournment.

(The president in the chair.)

On motion of Mr. Smith of Manchester, the following resolution was adopted :

*Resolved*, That a committee of five be appointed to report to this convention whether any provision should be made with reference to the time when the terms of office of the executive and legislative officers of the State, commencing in June, 1889, shall terminate, in case the amendment changing the time for the assembling of the Legislature from June to January shall be adopted by the qualified voters.

The president appointed the following gentlemen as said committee :

Messrs.

Smith of Manchester,  
Briggs of Manchester,  
Hibbard of Laconia,

Messrs.

Ladd of Lancaster,  
Dole of Lebanon.

Mr. Hayes of Milton offered the following resolution :

*Resolved*, That a select committee of ten, one from each

county, be appointed by the chair to take into consideration the subject of the suffrage of women.

The resolution was adopted, and the president announced the following gentlemen as said committee :

Messrs.

Hayes of Milton,  
Mellows of Newmarket,  
Beckford of Laconia,  
Gray of Jackson,  
Danforth of Concord,

Messrs.

Merriam of Greenville,  
Randall of Chesterfield,  
Marshall of Unity,  
Smith of Plymouth,  
Cummings of Colebrook.

Mr. Briggs, from the Committee on Legislative Department, to which was recommitted the amendment changing the time of the meeting of the Legislature from June to January, having considered the same, reported the same with the following substitute therefor, and recommend its adoption :

Substitute for the resolution introduced by Mr. Blake of Fitzwilliam, relating to changing the time of holding sessions of the Legislature from June to January, the following :

Amend article 3, part second of the Constitution, as follows :

Strike out the word " June " wherever it appears in said article, and insert " January," so that said article as amended shall read as follows :

" ART. 3. The Senate and House shall assemble biennially, on the first Wednesday of January and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the said first Wednesday of January, biennially, and shall be styled THE GENERAL COURT OF NEW HAMPSHIRE."

Amend article 25, part second, by striking out the word " June " wherever it occurs in said article, and inserting " January," so that the said article as amended shall read as follows :

" ART. 25. The Senate shall consist of twenty-four members, who shall hold their office for two years from the first Wednesday of January next ensuing their election."

Amend article 32, part second, by striking out the word "June" wherever it occurs in said article, and inserting the word "January," so that said article as amended shall read as follows :

"ART. 32. The meetings for the choice of governor, council, and senators shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend), in open meeting, receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen and of the town clerk in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for and the number of votes for each person; and the town clerk shall make a fair record of the same, at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the secretary of the State, with a superscription expressing the purport thereof; and the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which said town or parish shall lie thirty days at least before the first Wednesday of January, or to the secretary of the State at least twenty days before the said first Wednesday of January; and the sheriff of each county or his deputy shall deliver all such certificates by him received into the secretary's office at least twenty days before the first Wednesday of January."

Amend article 33, part second, by striking out the word "June" wherever it occurs in said article, and inserting the word "January," so that the article as amended shall read as follows :

"ART. 33. And, that there may be a due meeting of senators on the first Wednesday of January, biennially, the governor and a majority of the council for the time being shall, as soon as may be, examine the returned copies of such records, and, fourteen days before the first Wednesday of January, he shall issue his summons to such persons as appear to be chosen senators by a majority of votes to attend and take their seats on that day; *provided, nevertheless,* that, for the first year, the said returned



copies shall be examined by the president and a majority of the council then in office; and the said president shall, in like manner, notify the persons elected to attend and take their seats accordingly."

Amend article 42, part second, by striking out the word "June" wherever it occurs in said article, and inserting therefor the word "January," so that said article as amended shall read as follows:

"ART. 42. The governor shall be chosen biennially, in the month of November, and the votes for governor shall be received, sorted, counted, certified, and returned in the same manner as the votes for senators; and the secretary shall lay the same before the Senate and House of Representatives on the first Wednesday of January, to be by them examined; and in case of an election by a majority of votes through the State, the choice shall be by them declared and published; and the qualifications of electors of the governor shall be the same as those for senators; and, if no person shall have a majority of votes, the Senate and House of Representatives shall, by a joint ballot, elect one of the two persons having the highest number of votes, who shall be declared governor. And no person shall be eligible to this office unless, at the time of his election, he shall have been an inhabitant of this State for seven years next preceding, and unless he shall be of the age of thirty years."

Amend article 43, part second, by striking out the word "June" wherever it occurs in said article, and inserting therefor the word "January," so that said article as amended shall read as follows:

"ART. 43. In cases of disagreement between the two houses with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have the right to adjourn or prorogue the General Court, not exceeding ninety days at any one time, as he may determine the public good may require; and he shall dissolve the same seven days before the said first Wednesday of January. And, in case of any infectious distemper prevailing in the place where the said court at any time is to convene, or any other cause whereby dangers may arise to

the health or lives of the members from their attendance, the governor may direct the session to be holden at some other, the most convenient, place within the State."

Amend article 60, part second, by striking out the word "June" wherever it occurs in this article, and inserting the word "January," so that the article as amended shall read as follows :

"ART. 60. There shall be biennially elected by ballot five councilors, for advising the governor in the executive part of government. The freeholders and other inhabitants in each county qualified to vote for senators shall, some time in the month of November, give in their votes for one councilor, which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the Senate and House of Representatives on the first Wednesday of January."

Amend article 66, part second, by striking out the word "June" wherever it occurs in this article, and inserting the word "January," so that the article as amended shall read as follows :

"ART. 66. And, whereas the elections appointed to be made by this Constitution on the first Wednesday of January, biennially, by the two houses of the Legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same be completed. And the order of the elections shall be as follows : The vacancies in the Senate, if any, shall be first filled up ; the governor shall then be elected, provided there shall be no choice of him by the people ; and, afterwards, the two houses shall proceed to fill up the vacancy, if any, in the council."

The question being stated,

Shall the report be accepted ?

Mr. Smith of Manchester : I think there is one word that needs to be stricken out. Article 3, as the committee report it, reads, "The Senate and House shall assemble biennially, on the first Wednesday of January and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the said first Wednesday of January biennially."

The word "said" I think should be stricken out, and I move to strike out the word "said."

Mr. Briggs of Manchester : I think myself that the word may as well be stricken out, but we followed the exact language as it is in the present Constitution ; we simply changed June to January. I think the phraseology would be better with the word "said" stricken out, and I hope it will be done.

Mr. French of Nashua : I might inquire of those who have examined the matter, whether it would then be made certain which Wednesday of January the clause relates to, whether the one following the assembling or one two years after that ? As it now stands, of course it is understood to mean seven days before the assembling of the next Legislature ; but if you strike out the word "said," it leaves it "seven days next preceding the first Wednesday of January biennially." It seems to me there might be some uncertainty.

Mr. Smith : Does not the word biennially make it all right ?

Mr. French : That is where I am uncertain ; does it ? I move, in order that we may have a chance to look at it a little longer, that the report of the committee lie upon the table.

The question being stated, the motion prevailed.

Mr. Wells, from the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments, to which was referred the resolution entitled "An amendment of article 10, part second of the Constitution, in relation to classed towns," introduced by the gentleman from Manchester (Mr. Smith), reported the same with the following resolution :

*Resolved*, That it is inexpedient to legislate on the subject as proposed.

On motion of Mr. Hatch of Greenland, the report was laid on the table.

Mr. Abbott, from the same committee, to which was referred the amendment offered by Mr. Harvey of Surry, entitled an amendment to articles 10 and 11 of the Constitution, in relation



to representatives in classed towns, having considered the same, reported the same with the following resolution :

*Resolved,* That the amendment be adopted.

On motion of Mr. Hatch of Greenland, the report was laid on the table.

Mr. Smith, from the Committee on Bill of Rights and Executive Department, to which was referred the resolution proposing to amend article 6 of the Bill of Rights by striking out the word "Protestant," also the resolution proposing to strike article 6 from the Bill of Rights, reported that they had considered the same and recommend that, in place of either of said proposed amendments, the following be adopted, to wit :

Substitute for article 6 the following: "Every religious sect or denomination demeaning themselves quietly and as good subjects of the State, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

The report was accepted and the proposed substitute laid on the table, on motion of Mr. Hibbard of Laconia.

On motion of Mr. Smith of Manchester, the convention resolved itself into Committee of the Whole to consider the memorial of the New England Woman Suffrage Association.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Lyman of Exeter in the chair.)

Dr. H. B. Blackwell and Miss Blackwell of Boston, and Prof. Carruth of Kansas University addressed the committee.

On motion of Mr. Woolson of Lisbon, ordered that the committee rise and report progress.

#### IN CONVENTION.

(The president having resumed the chair.)

Mr. Lyman, chairman, from the Committee of the Whole, reported that the committee had had under consideration the me-



morial of the New England Woman Suffrage Association, and had made progress.

On motion of the same gentleman, the memorial of the New England Woman Suffrage Association was referred to the special committee on that subject.

On motion of Mr. Felker of Rochester, the report of the Committee on Bill of Rights, relating to the striking out of the word "Protestant" from the Bill of Rights, was made the special order for to-morrow morning at 10.30 o'clock.

On motion of Mr. Pillsbury of Londonderry, the convention adjourned.

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FRIDAY, JANUARY 11, 1889.

The convention met according to adjournment.

(The president in the chair.)

Prayer was offered by the chaplain.

The reading of the journal was begun, when, on motion of Mr. Danforth of Concord, the further reading was dispensed with.

The special order was the report of the Committee on Bill of Rights and Executive Department, proposing to substitute the following for article 6 of the Bill of Rights :

"ART. 6. Every religious sect or denomination demeaning themselves quietly and as good subjects of the State shall be equally under the protection of the law ; and no subordination of any one sect to another shall ever be established by law."

The question being stated, Mr. Ruggles of Hanover moved to amend the substitute reported by the committee so that said article shall read as follows :

"ART. 6. As morality and piety will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of

these is most likely to be propagated through a society by the institution of the public worship of the DEITY and of public instruction in morality and religion, therefore, to promote these important purposes, the people of this State have a right to empower, and do hereby fully empower, the Legislature to authorize, from time to time, the religious societies within this State to make adequate provision, at their own expense, for the support and maintenance of public teachers of piety, religion, and morality.

“The several religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance; and no person of any one particular religious sect or denomination shall ever be compelled to pay toward the support of the teacher or teachers of another persuasion, sect, or denomination.

“And every religious sect or denomination demeaning themselves quietly and as good subjects of the State shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

The question being stated,

Shall the amendment offered by the gentleman from Hanover (Mr. Ruggles) be adopted?

Mr. Ruggles of Hanover: I am aware that the time for making long speeches in this convention has gone by. I have no ambition to make a speech, but I do desire to say a few words on this question. I think all will agree with me that some change is necessary. The first part of article 6 is, “As morality and piety, rightly grounded on evangelical principles.” What are evangelical principles? This is a point on which we do not agree. There are in this body a hundred men, probably, — I speak loosely, — attached to some religious organization which is commonly spoken of as not being evangelical. We have in this body Unitarians, Universalists, Episcopalians, not far from sixty, and others. Everybody knows, that as the term is commonly employed, they are not evangelical.

Now, gentlemen, do you care to keep those words which are objectionable to a large and respectable body of our citizens?

What is the use of keeping them? They do nobody any good; they can only do harm if they have any effect at all.

This article was originally drawn with reference to a state religion. It starts off with a declaration, almost eloquent, a declaration we all like to read, and which many of us would be very unwilling to have taken out of the Bill of Rights. We want to keep it there; we want to read it; we want to feel the influence of it; we want our children to read it, and that it should have its due influence upon them. As we go on we find that it is provided that "the people of this State have the right to empower, and do hereby fully empower, the Legislature to authorize, from time to time, the several towns, parishes, bodies corporate," etc. What does that mean? Why, it meant, of course, a state church, and until the toleration act of 1819 we had a state church. It became intolerable, and was done away with. A distinguished judge of this State informs us that if the Legislature chose, it might again, under this article, establish a state church. Gentlemen say, "We do not fear a state church." Neither do I. I do not think there is any probability of any Legislature attempting to establish a state church, and still, in the years to come, it might possibly happen. Why not strike out those words, which can only do harm, — which can do no one any good? As far as I can find out nobody wants them there, and what harm to leave the words "religious societies?" The article goes on and says, "to make adequate provisions at their own expense for the support and maintenance of public Protestant teachers of piety, religion, and morality." Now we have in this State a large and respectable body of Catholics. Gentlemen, I am not a politician; I never held political office; I aspire to none; I speak the thing as it comes to me, and as I understand it. The Catholics have not come in here and asked that the word "Protestant" should be stricken out, so far as I know; though, as a matter of course, it would be agreeable to them to have that word disappear. Every politician knows that the word is bandied back and forth between the two political parties in every election. It is a kind of red rag that will float there until we remove it from the Bill of Rights. Why not take it out? Some say that it means nothing. If it means nothing, why not take it out? What is the object of its standing there?



A gentleman has said that the word "Protestant" is not mandatory. Probably it is not. It has been said that the State might employ Catholics, that it is not limited to Protestant teachers, and this is probably the fact. One gentleman has said to me that he had some fear with regard to the word "teacher," understanding it had reference to schools. I am told that the word "teacher" in this connection can only be interpreted by the word "preacher." The article says, "teachers of piety, religion, and morality." In fact the courts have interpreted the word as meaning simply preacher, as we ordinarily use that term.

Further on it is provided that "every denomination of Christians." We hold that a Jew is not a Christian, still do we not want to admit him to all political and religious rights? This Bill of Rights sets forth in strong language freedom for all, freedom to worship God in accordance with the dictates of a man's conscience; and yet we have here a word which apparently excludes a Jew. This Bill of Rights is one of the most liberal documents that you can possibly find, and yet, apparently, there are restrictions in it which would make it appear illiberal in the extreme. Why not strike out the word "Christians," and put in "every religious sect or denomination." I am not particular about the exact words. If any one will suggest a better form of expression, let us adopt it; but let us strike out the word "Christians," and receive our friend, the Jew, and let him stand where he ought to stand, with perfect freedom, not only to worship God as he sees fit, but with a recognized right to worship God if he sees fit.

The last four or five lines of this article have been said by an eminent judge to be lumber. I suppose, in the present state of affairs it is so. They refer to contracts existing at that time with the clergy. Those clergymen have long since gone to their rest; none of those contracts can exist at the present time, and therefore there seems to be no good reason for retaining those provisions. I hope we shall give, even at this late hour of the convention, our serious consideration to the matter. I believe that if this proposed amendment were to come before the people of the State of New Hampshire, properly explained, so that they would understand exactly what it means, they would ratify it.



Mr. Felker of Rochester : Heartily concurring in the remarks of the last gentleman (Mr. Ruggles), I move that the report of the committee be amended by inserting in place thereof article 6, amended as proposed by Mr. Ruggles.

Mr. Smith of Manchester : I dislike to trespass further upon the time of the convention, and I would not do so if it did not seem necessary that the convention may understand correctly the position of this question. I will be as brief as possible. I concede in the outset that article 6 of the Bill of Rights, whatever importance may have been attached to it at the time it was put there, has ceased to have any practical importance. You will notice that it provides that the Legislature may authorize towns to raise money for the support and maintenance of public Protestant teachers of piety, religion, and morality. The Legislature did authorize towns to raise money for that purpose, and up to the year 1819 we had a law upon our statute book authorizing towns to raise money for the support of the minister, and taxes were assessed upon the polls and estates of the people of towns for that purpose. The proviso inserted in the article excused those persons from paying who belonged to some other sect or denomination, and the result was that the selectmen of towns assessed "minister taxes" upon the inhabitants; next, numerous suits in the courts were brought by persons who claimed to belong to some other religious sect or denomination, to be relieved from paying their proportion of taxes, and frequently there were trials by jury to determine whether the tax-payer was a Congregationalist, Baptist, Universalist, or Unitarian; and the suits were vexatious. In 1819 the Legislature repealed that law, and for seventy years there has been no law in this State authorizing towns to assess taxes for the support of public preaching, and I suppose the chances are infinitesimally small that any Legislature for the next thousand years will pass such a law. If that be so, then this article in the Bill of Rights, so far as its practical operation is concerned, is of no importance whatever, and in that view of the case I do not care whether it is in the Bill of Rights or whether it is out, — it has ceased to have any practical operation.

Then the question arises, Why meddle with it at all if it harms

no one? If no tax can be assessed on any one, why meddle with it? The gentleman from Hanover has explained that there is in it a word which is an eyesore to some ten thousand voters of this State, — I refer to the word “Protestant.” To them it seems an odious discrimination against their religion. I suppose they are as tenacious of their religious rights as I am of mine, and I freely concede to them the same rights that I claim for myself; therefore, I am willing that the word “Protestant” be stricken out. It will leave the article in this way: that the Legislature may authorize a town to raise money by taxes for the support of public teachers of piety, religion, and morality. So that if a Legislature should ever be foolish enough to pass such a law and the Catholics were a majority in any town, they might raise money for the support of the Catholic minister, and if the Protestants were a majority in another town, they might raise money for the support of a Protestant teacher, and in that way we might have two or more state religions. The probability of any such thing occurring is extremely small.

There are in the second line of the article words which are offensive to at least two denominations of Christians in this State, “morality and piety, rightly grounded on evangelical principles.” Conceding to all religious denominations the same rights I claim for myself, not to have anything in the Bill of Rights that is offensive, if these words are offensive to them, as they seem to be, I am in favor of changing that phrase so as to relieve it of its offensive character. The committee found itself in a dilemma, as perhaps this convention may, from the fact that we were not all of the same mind. Some of us thought it was unwise to meddle with the article at all, because it had no practical importance except as a matter of sentiment; others thought that the words in the amendment proposed by the gentleman from Hanover (Mr. Ruggles), which are inclosed in brackets, might be stricken out and leave the article acceptable to everybody; others of the committee thought that the shorter method proposed by the gentleman from Milton (Mr. Hayes) was best on the whole. It takes four lines from the article and substitutes them for the whole article, and the majority of the committee were of the opinion that upon the whole it was better to take those four lines

which would express, perhaps, all that it was necessary to say, and substitute them for article 6, and then everybody would be satisfied. The two amendments mean the same thing, except that the substitute which the gentleman from Hanover proposes is a good deal longer. I hope I have made myself understood. As I said in the outset, personally I care very little whether this article is voted out or retained. The committee thought it their duty to present this subject to you in such a way that if you choose to make any alteration in the article, you may take your choice from these several modes. If the amendment proposed by the gentleman from Milton is acceptable to you, then you will accept the recommendation of the committee. If it appears to you that the amendment proposed by the gentleman from Hanover is better, then you can adopt that. If you are of the opinion that it is best to do nothing except to strike out the word "Protestant," then that can be done. And if you are of the opinion that we had better not meddle with it at all, then you will say so by your votes. Personally I have no feeling about the matter.

Mr. Thurston of Dover: I can see, as the gentleman from Manchester (Mr. Smith) says, that practically it makes no difference whether this article is changed or not. But it is an ancient one; it was written by the fathers. Freed from these terms that have become objectionable in the progress of society, I think it ought to stay there. It is traditional, it is venerable, and I do not like to infract upon the doings of the fathers any more than is absolutely necessary. It takes but very little space; space is of no account whatever. It contains all we want, nothing more. Why not let it stay with these amendments proposed by the gentleman from Hanover (Mr. Ruggles)? I hope we shall.

Mr. Lyman of Exeter: I would like simply to say that the report of the committee reading thus, "And every religious sect or denomination demeaning themselves quietly and as good subjects of the State shall be equally under the protection of the law, and no subordination of any one sect or denomination to another shall ever be established by law," appears to me nearly right. But I hardly like to leave an inference in our Bill of Rights that our religious sects and denominations do not demean



themselves quietly and as good subjects. I understand it is one of the objects of religion to make good subjects who will quietly demean themselves. If I were going to write it myself, I would have it read: "All good citizens shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law." I would not leave the inference that religion is calculated to make people demean themselves otherwise than as good subjects.

Mr. Felker of Rochester: I introduced the resolution to strike out the word "Protestant" from article 6 of our Bill of Rights. I did it, in the first instance, because I believed that the word "Protestant" is distasteful to a certain class of our citizens. They are entitled to as much consideration as we are. Suppose the word "Catholic" instead of "Protestant" was there, would it not be just as distasteful to us? I do not care which form the resolution takes; the one proposed by the gentleman from Hanover (Mr. Ruggles) or the one proposed by the gentleman from Milton (Mr. Hayes). I am for religious freedom, even if it is a matter of sentiment, for sentiments are sometimes very dear to us. I have as much veneration for the works of the fathers as the gentleman from Dover (Mr. Thurston). If he will look in the old Bill of Rights of Massachusetts, he will see somewhat similar language, which was thoroughly revised in 1833; but it would do no harm, if it were satisfactory to our Methodist brethren, to retain the old form stripped of its objectionable features. Ours is the last State in the Union that retains any such article in its Bill of Rights, and it seems to me that it should be changed so as to give everybody equality in matters of religion.

Mr. Todd of Atkinson: I wish simply to make one remark about old things. My friend from Lancaster (Mr. Ladd) does not wish to disturb the Constitution because he so venerates the work of our fathers. Now, if a thing that they did is better than anything that we propose now, I would retain it. If what they did is not as good as what we can do now, I would reject it. I would look at things in the light of reason. I have an old dictionary one hundred years old, and I would be glad to exchange it for a new revised Webster.



Mr. Thurston of Dover: I am sorry to speak several times, but I wish to ask my friend (Mr. Todd) suppose it is neither better nor worse, isn't there something to be considered in the fact of its venerableness? In regard to the remarks of my friend from Exeter (Mr. Lyman) about the inference that religious people might be disturbers, I think that such an inference may be entertained. Suppose the Mormons should come here and establish themselves. I think that not only should religious establishments be protected, but they may need restraint. I hope the amendment will prevail.

Mr. Felker of Rochester: I believe the supreme court has decided that Mormonism as a religion and Mormonism as practiced are two different things. A plurality of wives is not necessarily a matter of religion.

Mr. Davis of Warner: I think quite a number of the members have not a very intelligent idea as to what the amendment is which is offered by the gentleman from Hanover (Mr. Ruggles).

Mr. Smith: It is all in print, and if any member has not a copy he can be supplied. There are plenty of copies in the room of the sergeant-at-arms.

Mr. Durgin of Concord: It has been said that we ought not to lumber up these amendments with any more questions than are necessary, for fear we injure the success of those which we most desire to have adopted. If I rightly judge the temper of the people of this State, they would adopt the amendment suggested by the gentleman from Hanover (Mr. Ruggles); but I, for one, should most certainly vote against the wholesale slaughter of this article. It seems to me that there is nothing in life about which people are so sensitive as they are about their religion, and the majority of the people of this State are of the Protestant faith. Now I am willing that the word "Protestant" should be stricken out, if it is desired. I do not wish to offend unnecessarily the men of a different faith who have come to our land, if they behave well; nor do I wish to throw unnecessarily into the teeth of other people who do not believe in it the idea of evangelical religion. I think, however, there are some principles inculcated by the remainder of the section which ought not to be

stricken out. I shall most certainly vote for the amendment offered by the gentleman from Hanover (Mr. Ruggles), and against the proposed amendment of the committee.

Mr. Ladd of Lancaster: I desire to say but a single word. My highly esteemed friend from Atkinson (Mr. Todd) has suggested that I have such a great veneration for old things, and especially for our old Constitution, that I am ready to oppose anything in the way of amendment or progress, — that I am blinded to the progress of the age. That is hardly a correct statement of my position. The only diffidence I feel about this matter is in determining what is better. What I desire to say is, Mr. President, that I am in favor of removing, in some way, these two words “evangelical” and “Protestant” from the Constitution; not because they are of the slightest practical importance in my judgment, but because they stand there, as has been said, a sort of eyesore to very many of the citizens of this State. It seems to me that it is a matter of no practical importance which way it is done. The method suggested by the committee, as I understand it, puts it beyond the power of the Legislature ever to authorize towns to raise money, in general terms, for the support of the ministry of any denomination. I understand that to be the practical effect of the amendment proposed by the committee. It makes it certain that such a thing can never be done under any circumstances without a change of the Constitution; whereas, as I understand it, the amendment proposed by the gentleman from Hanover (Mr. Ruggles) leaves it within the power of the Legislature to authorize religious societies to raise money for the support of their minister, but does not enable the Legislature to authorize towns or parishes to raise money. I would like to know if I am right.

Mr. Ruggles of Hanover: The several legal gentlemen whom I consulted stated in very distinct terms, after examining it, that it took away forever from the Legislature any power to raise money for religious purposes or to authorize money to be raised, and the possibility of union of church and state.

Mr. Ladd: I now understand that this amendment takes away from the Legislature forever the power to authorize towns,

parishes, and bodies corporate to raise money for the support of the ministry ; but it leaves religious societies at liberty to raise money themselves for the support of their minister, — exactly the same right they would have independently of any constitutional provision whatever.

Mr. Mellows of Newmarket : Could they raise it by taxation ?

Mr. Ladd : Possibly there might be a technical question there ; that may be so ; but it leaves it for the religious societies to settle that matter for themselves. As I said before, it seems to me one method comes to just the same thing, practically, as the other. I do not see any difference. It is a matter of taste which is adopted.

Mr. Hibbard of Laconia : I desire to ask a question of the gentleman from Lancaster. Did not the supreme court in the Dover church case, in an opinion in which the gentleman himself concurred, decide that, independently of anything contained in the sixth article of the Bill of Rights, the Legislature had power under the fifth article of the Form of Government to grant to towns, parishes, bodies corporate, and religious societies authority to make provision at their own expense for the support of teachers, either Protestant or Catholic, of religion, morality, and piety ? In other words, did they not decide that the article now under consideration does not grant any power whatever that is not granted by the fifth article of part second of the Constitution ?

Mr. Ladd : My recollection of all the details of that very long opinion is not entirely distinct ; I should dislike to answer the question categorically. It is my impression that it was so held in that case.

Mr. Hibbard : I may not have understood the gentleman. I thought he said that if the amendments reported by the committee were adopted it would take away the power of towns, parishes, and bodies corporate to make provision for the support of teachers of piety, morality, and religion.

Mr. Ladd : I think you misunderstand me. What I intended to say was, that as I understand the report of the committee, it



would take away from the Legislature the power to authorize towns and parishes to raise money by taxation for the support of the ministry of any religious sect or denomination, and my recollection and what I intended to say in regard to the Dover church case was, that it was held that religious societies would have the right under article 5—the common-law right—to raise money at their will for the support of their own preacher, independently of any constitutional provision on the subject. I may not be accurate about it, but that is what I intended to say and that is my understanding of it. It seems to me there is no practical difference between the two propositions. I may not be right about it.

Mr. Barton of Newport: I think if the framers of the Constitution had any idea when they framed this article there would ever be so much trouble about its meaning, they never would have placed it in the Constitution; and if their disembodied spirits are around about us to-day, they must be pained at the way the discussion has gone on for the repeal or modification of this article. Twelve years ago this article came up for discussion, and the convention voted to strike out the word "Protestant." I was in favor of it; I thought it was right. When the question was submitted to the people, they voted against it. Now it has come up again, I am in favor of striking out the word "Protestant." I am in favor of striking out all words and sentences that can affect anybody improperly or unjustly. I am in favor of the amendment proposed by the gentleman from Hanover; I think it is a fair one; it eliminates everything that is objectionable. No person can say that it is not fair to every class of citizens. Now why not leave as much of the language of the Constitution as possible? The burden of proof is upon those who wish to strike out the language of the Constitution as proposed by the amendment; it is on them to show that it is better to strike it out than not to strike it out. I love the works of the fathers; I do not wish to obliterate the whole of this article; I wish to retain all that is not obnoxious. If it does no harm where it is, it will do no good to strike it out. When I take up the Constitution I want to read as much of what the fathers put in there as I can. Everything that is improper or bears unjustly on any



class or order, strike out. That is what the amendment offered by the gentleman from Hanover (Mr. Ruggles) does. Then why talk longer upon this matter? Let us vote for the amendment proposed by the gentleman from Hanover. Let me predict, if the proposition reported by the committee to the house goes to the people, they will reject it. It never will pass; but I think the amendment proposed by the gentleman from Hanover will be adopted by the people most readily, not from any well-grounded apprehension that the Legislature could ever establish a state church, as has been suggested, but to allay and forever put to rest this ever-recurring suspicion of religious intolerance and oppression which are about as likely to affect freedom of religious thought and action as lightning is to strike the north pole. However, we can well afford to concede in the interest of peace what is of no practical advantage to the people to retain.

Mr. French of Nashua: There is danger that the people will not understand the purposes of this amendment when they come to vote upon it. The amendment proposed before was rejected, although there was a large vote in its favor. Now I am afraid that the people who do not hear this discussion will say that the amendment suggested by the committee strikes out of the Bill of Rights every recognition in the Constitution that religion and piety are controlling and useful factors in government. I find nowhere else in the Bill of Rights or in the Constitution any recognition of the fact that religion and piety are useful, controlling, and valuable factors in government. In the article preceding the one under consideration something is said about the right of people to worship God; but whether they ought to worship God, or whether it is a useful thing to the State that they should, is not declared, and it is not declared anywhere else that I am aware of. Now will not the people say, in the absence of information as to the course of this discussion, that this is going over to Bob Ingersoll and to those who believe that there ought to be no recognition, in the Constitution or the laws, of piety and religion? Whether they ought to be recognized in the organic law we need not discuss; the fathers recognized it years ago, and that recognition is with us now. When the question was before submitted to the people to take out the words "Protestant,"

"evangelical," and "Christians," they would not consent to it. If they would not do that, can you believe that they will willingly take out of the Bill of Rights the recognition of piety and religion as useful factors in government?

Mr. Hibbard of Laconia: For the purpose of clearing up the question I proposed to the gentleman from Lancaster, I will read the first and second head notes of *Hale vs. Everett*, 53 N. H. 1:

"1. Article 6 in the Bill of Rights of the New Hampshire Constitution, while it empowers the Legislature to authorize the several towns, parishes, bodies corporate, or religious societies within the State to make adequate provision, at their own expense, for the support and maintenance of public Protestant teachers of piety, religion, and morality, does not directly and was not intended to, and does not by implication, forbid the Legislature to authorize such towns, etc., or religious societies, to make provision for the support of any other religious teachers besides Protestant.

"2. Under section 5 of part second of said Constitution, the Legislature is as fully empowered to authorize such towns, parishes, bodies corporate, or religious societies to make provision for the support of any other religious teachers besides Protestants, if they think it for the welfare or benefit of the State to do so, as it is by article 6 of part first to make provision for the support of Protestant teachers."

Of course, if under article 5 the Legislature has power to make provision for the support of all other than Protestant teachers, it must also have power to make provision for the support of Protestant teachers; and that applies to towns, parishes, and bodies corporate as well as to religious societies.

Mr. Colby of Claremont: I would like to know how that case agrees with this clause, found on the second page of the report of the committee: "And no person of any one particular sect or denomination shall ever be compelled to pay toward the support of the teacher or teachers of another persuasion, sect, or denomination."

Mr. Hibbard: That provision clearly prevents the application

of this power to persons of a different sect, persuasion, or denomination.

Mr. Colby: How can a town vote a tax to support any particular denomination while that clause exists which says positively that nobody shall be obliged to pay a tax for any other persuasion.

Mr. Hibbard: I do not propose to put myself in a position to answer conundrums. Whether the town can make such a provision and not have it applicable to everybody in town, whatever his religious belief or preference may be, I will leave to the court, and as my friend from Lancaster was one of the members of the court, perhaps he will enlighten us.

The question being stated, the amendment proposed by Mr. Ruggles of Hanover was adopted.

The question being stated,

Shall the report of the committee as amended be adopted?

It was decided in the affirmative, and the proposed amendment to the Bill of Rights adopted.

Mr. Cross, from the Special Committee on the Prohibitory Amendment, made a report recommending that the resolution adopted by the convention, prohibiting the sale and manufacture of intoxicating liquor, be embodied in a separate article of the Constitution and numbered 102, in the following words, to wit:

“ART. 102. The sale, or keeping for sale, or manufacture of alcoholic or intoxicating liquor, except cider, or of any compound of which such liquor is a part, to be used as a beverage, is a misdemeanor, and is hereby prohibited.”

The report was accepted and adopted.

On motion of Mr. French of Nashua, the report of the Committee on Legislative Department, relating to changing the time of holding sessions of the Legislature, was taken from the table and considered.



Mr. French : Last evening, when this matter was brought before the convention, in looking at the phraseology of the amendments proposed, some of us did not understand, and I cannot now understand, the amendments as they were drawn. I therefore move, as an amendment to the report, that article 3, part second of the Constitution, be amended so that it shall read as follows :

“ The Senate and House shall assemble biennially, on the first Wednesday of January next ensuing their election and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the first Wednesday of January two years thereafter, and shall be styled THE GENERAL COURT OF NEW HAMPSHIRE.”

Also, to amend article 43, line 7, as it is printed here, so as to bring it into conformity, by striking out the word “ said ” and inserting the words “ next ensuing after the next biennial election ” after the word “ January,” so that it shall read: “ and he shall dissolve the same seven days before the first Wednesday of January next ensuing after the next biennial election.”

Mr. Davis of Hopkinton : I would like to inquire what provision there is, in that case, for dissolving the Legislature that will be in existence at the time of the meeting of the first Legislature under the new Constitution.

Mr. Smith of Manchester : The question was referred to the committee last night, and that committee will probably make a report to-day. The question will not interfere with the action proposed by the gentleman from Nashua (Mr. French).

Mr. Davis of Hopkinton : It seems to me that the phraseology is exactly right as it is. There is no particular January mentioned ; there is no year, no date ; it is simply the first Wednesday of January biennially. As I read it, I understand that the Legislature in existence at the close of the year which comes before the first Wednesday of January biennially, when the next Legislature will convene, that the Governor, then being in the chair of the term previous, shall have the duty to dissolve the Legislature, if it shall then be in session. The words “ said



first Wednesday of January biennially" plainly indicate which January is meant; it is not the January which comes between the years that the Legislature shall meet. I do not see a particle of inconsistency there. The word "said" should be there in order to show what January it applies to. The language does not refer to any specific year, but to any January when the Legislature shall convene.

Mr. Briggs of Manchester: I dislike, gentlemen of the convention, to take up your time in the discussion of this matter. I am somewhat surprised at the attempt that is made to tinker and change the form of expression adopted in this old Constitution. Now I do not believe that all the wisdom died with the fathers. I do not believe that the present has all the wisdom of to-day and of the past. I made this report myself. We were instructed to change the time of the meeting of the Legislature from the first Wednesday of June to the first Wednesday of January, and that there might be no mistake in what we did, I took from the Constitution as it stands to-day every single clause which needed to be amended and struck out the word "June" and inserted the word "January." Take this article 3, which is the first one that came up:

"The Senate and House shall assemble biennially on the first Wednesday of June and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the said first Wednesday of June biennially, and shall be styled THE GENERAL COURT OF NEW HAMPSHIRE."

That is as the Constitution stands to-day. To modify it, we struck out the word "June" and inserted the word "January" where it occurs first; and then in the fourth line struck out the word "June" and inserted "January." There you have precisely the same form of expression, precisely the same article that exists in the Constitution to-day, precisely the same article that has existed for nearly a hundred years in the Constitution, with the exception that in 1876 they inserted the word "biennially" in place of "annually." We have lived under this old Constitution down to the present time, and the gentleman from Nashua (Mr. French) is the first man that I ever knew who got into the fog and did not know what it meant.

You may take all the other amendments in the same way, and every single amendment proposed by this committee is simply a change of the word "June" for the word "January." It is your old Constitution, with that exception. It is of no earthly consequence — perhaps it may be a matter of taste, a mere matter of opinion — whether you adopt one form of expression or another. I think, but perhaps I am all wrong, perhaps I have too much regard for this old instrument, I may be too much in love with ancient things, — I think if you leave the original language in the Constitution as it has stood for years, and simply change the word "June" to "January," we can live under it for the next hundred years and have no difficulty in understanding its meaning. I hope that no change will be made, and that this report will be adopted.

Mr. French: I do not understand why we need to have any feeling about a matter of phraseology. I do not know whether this earnestness is inspired by a veneration of the fathers or a veneration of the report of the committee. I want to make the language as plain as possible, so that I can understand it. If I am the only person in the State of New Hampshire who cannot understand it, I am mistaken, because the very phraseology was before other members of the convention, and it struck them as rather peculiar and rather uncertain. There is no need of any earnestness about this matter. It is a question of grammar and rhetoric. Because I venerate the fathers I do not want to spell the words of the Constitution the way they spelled them, nor do I want to run into any uncertainties that they may possibly have put in there. They were discussing principles, matters of most vital importance, and it is barely possible that they not only spelled differently from us but that they might understand things differently from us. If you will look at article 3, I do not believe you will think it so very strange that I wanted it made a little clearer. "The said first Wednesday of June" is the first Wednesday of June upon which they assembled, according to my understanding of language, and I think that is the understanding of most people. All I want is to make it plainer, not to have my way or anybody's way. The language proposed by the amendment, "seven days next preceding the first Wednesday of

January two years thereafter," puts it beyond all discussion and controversy ; but it does not matter much which way you have it. I do not apprehend any danger from the old phraseology, because time has established for it a certain construction ; still I am not alone in thinking a better form of expression, one more clear and unequivocal, could be substituted.

Mr. Huse of Manchester : I do not wish to put my legal knowledge, of which technically I have none, against that of the older and honorable gentlemen here, but I must confess that when, in my ignorance of the laws of my State, I first turned to its Constitution to read it, I found myself at a loss, as the gentleman from Nashua has said he did, to know just the exact meaning of this article. And I would suggest to those who say that it has always remained in this way, and that they use the exact words of the fathers who framed this Constitution, that when the "first Wednesday of June" was put in, the Legislature met every year ; and then there could have been no discussion, no hesitation or doubt as to which first Wednesday of June was intended. But when the words "every year" were changed to "biennially," and nothing was put in to designate which Wednesday of June the session must commence, I am at a loss to say whether the first Wednesday of the second June after the election might not be intended as well as the first Wednesday of the first June ; and although there has never been any trouble about it, and probably never would be, if the phraseology should remain as it is, for the reason that the members of the Legislature if they had no worthier motive, would be glad to assemble here and get their salaries, still it leaves the article ambiguous, — it does not state plainly which Wednesday of June is intended. Since the session last evening I have looked into the several Constitutions of those States whose Legislatures assemble biennially, and in every one of them it is stated distinctly that they shall assemble on some particular day next ensuing their election and shall dissolve and be dissolved on a particular day two years next ensuing their election, or upon a certain day previous to the assembling of the next Legislature. As I said, practically it may make no difference which form of phraseology is adopted, but I do think if you make any change it is best to make it perfectly



plain and beyond all doubt. I heartily second the amendment of the gentleman from Nashua (Mr. French).

Mr. Colby of Claremont: I desire to ask a question not exactly relevant to the matter under discussion. I should like to know what the committee mean by these words in their report: "on the first Wednesday of January, and at such other times as they may judge necessary."

Mr. Briggs of Manchester: Those words are in the old Constitution, and we did not make any change. We were instructed to change the time from June to January. We did not suppose we had power to remodel the phraseology of the Constitution any further than to effect the change from June to January. We thought we could carry out the instructions of the convention by simply inserting the word January in the place of June. That is what we did; we did not attempt to remodel or change the language of article 3 any further than that; we supposed if we did more we should be criticised for stepping over the boundary. If you will look along further, in relation to the council, you will find other phraseology that might be changed and perhaps made more in accordance with the facts. I judge in the original Constitution the councilors were elected by counties, and the phraseology in relation to counties in connection with councilors might be changed and improved.

I have no objection personally to any change which this convention may make, in phraseology or anything else; but it seemed to me that it was stickling for a point of no practical consequence to make these verbal changes of the original text which has not been disturbed, and from which no trouble has ever arisen. To avoid that we copied the Constitution exactly, except that we substituted January for June.

Mr. French: The committee were instructed, I think, to report the first Wednesday of January, and they reported the second Wednesday of January. That is of no consequence. They seem to be tenacious—at least the chairman is—about this matter of phraseology. Now I am tenacious about my amendment only because it represents the views of certain others here, and I think their views are correct, and because I do stumble



over the thing as it stands. No one is able to present an objection to the amendment suggested ; it leaves it clear beyond controversy, and I do not think the present language does. The people are not going to reject anything we submit to them simply because we make it clearer. We should not be afraid of making things clear. Take article 43. It says, "he shall dissolve the same seven days before the said first Wednesday of January." There is no first Wednesday of January mentioned anywhere else in the article, and the reader has to go back to find what first Wednesday is referred to. Now strike out the word "said," and insert after January the words "next ensuing after the next biennial election," and it is clear beyond controversy.

Mr. Pitman of Conway : It seems to me as though the language is clear as it now stands. I do not think there is a man in the State of New Hampshire who would understand it to mean that the Legislature should be dissolved seven days prior to its sitting.

Mr. French : Then why word it so ?

Mr. Hadley of Concord : I would ask the gentleman from Nashua (Mr. French) if the word "biennially" which is inserted here does not answer every purpose as well as the amendment which he proposes ? It is perfectly clear to my mind that it means the same as "two years thereafter."

The question being stated, the amendment was rejected.

The question recurred upon the adoption of the substitute reported by the committee.

The question being stated, the substitute reported by the committee was adopted.

On motion of Mr. Hatch of Greenland, the reports from the Committee on Future Mode of Amending the Constitution, relating to the mode of electing representatives to the General Court in classed towns, were taken from the table and considered.

Mr. Hatch of Greenland : I wish simply to make an explanation, and then let the convention take the matter into their own

hands and consider what is best to be done. There came before the committee representatives of many of the classed towns with complaints of the great inconvenience they are subjected to in traveling from one town to another, as required by article 10 of the Constitution, in order to vote. I think the representatives of certainly a majority of the classed towns came before the committee and they all made the one complaint of inconvenience, sometimes impossibility, of traveling from one town to another in order to vote. I will mention only one case, which is perhaps the most grievous. The town of Jackson is classed with the towns of Livermore and Hart's Location. The town of Jackson, if I am not mistaken, lacks but about fourteen of the necessary number of population to entitle them to send a representative themselves. The Constitution requires that the elections shall be held in the towns in rotation. Now the effect of this provision was, as represented by the delegate from Jackson, that he was compelled to go twenty-two miles to the voting place at the last election, and twenty-two miles back home, and he thought that was an unreasonable burden to put upon the people of the town, and the result was they did not attend the elections. That was the general complaint of all the gentlemen who appeared before the committee, I think, with one exception. One gentleman said he had no particular preference.

The representatives of the classed towns expressed a preference to be represented a proportionate part of the time, according to the plan reported by the committee; but the committee had grave doubts as to the expediency or practicability of such an amendment, for this reason principally, that many towns, certainly six towns, have less than one hundred population; in one town I think there are about forty only, and perhaps there are some locations and places with even less population than that. Now the result would be that if these towns sent representatives to the General Court a proportionate part of the time, that is, in proportion to their population, some of these towns would send but one tenth part of the time, and the sessions of the Legislature being held only once in two years, the result would be that those towns would be represented in the Legislature but once in twenty years, and practically the town is disfranchised. When

the Legislature apportions the taxes among the towns, these towns have no representation ; and we were met by the question whether such a measure does not conflict with the fundamental principle that there shall be no taxation without representation. I have no preference in the matter, and I think every member of the committee will say the same, but they desire to furnish if possible some relief to the grievances complained of, and have therefore submitted the matter to the convention.

Mr. Abbott of Winchester : As a member of the committee that reported this amendment, I would say, as the gentleman from Greenland (Mr. Hatch) has said, that there was a hearing before the committee and a very large representation from the classed towns. The matter first came up in regard to giving them a right to vote in their towns, but there were great difficulties in that plan because it would require returning-boards, and as a majority vote is required to elect, it might be necessary to vote a number of times before an election could be obtained. It seemed to be the desire of the representatives of classed towns to send members to the Legislature a proportionate part of the time, according to the number of the inhabitants. You will find that these towns are classed so that voters have to pass through other towns to get to the polling place, and some of the best men in the State never attend one of these elections ; they practically feel themselves deprived of the right of voting. They have to travel from ten to twenty and forty miles in order to vote. Moreover, in many of these towns it was necessary to have three elections in November last in order that the voters might have a chance to vote the national and state ticket in their own towns first, then in some one of the classed towns for representatives to the Legislature, and then on some other day for a delegate to this convention. Now taxation and representation go together, yet there is a town in this State which by the statute laws is deprived of any representation. It has a representative upon this floor, but he is here only by your sufferance, and not by any act that gives his town a right to be represented either upon this floor or in the Legislature of New Hampshire. It is a town that cannot be classed, yet in that town, as I understand, they have



elected a member to represent them at the coming session of the Legislature.

Now it seems to me that it is just and right that we should give to the people of these classed towns an opportunity to vote in their own towns and send a representative a proportionate part of the time, according as the number of their inhabitants is to six hundred. If I am right, there are some sixty towns, grants, and locations in this State that are classed. There are twenty of these towns to-day which send a proportionate part of the time. There are two methods now in this State in respect to these small towns; if this method is adopted, there will be but one. A man will not go from one town to another and spend two or three days in an election. I hope this amendment will be adopted.

Mr. Damon of Campton: Woodstock and Lincoln are classed together. The people of those towns have to travel twenty miles each way in order to get to the polls, and the representatives from those towns would very much like to have this amendment adopted.

Mr. Hibbard of Laconia: I have no personal interest, and my constituents have none, in the question now before the convention; but I propose, at least, to put myself upon record as being of the opinion that the report of the committee is wrong, and that the proposition of the gentleman from Manchester (Mr. Smith), which the committee voted to reject, is right. Whether there is any serious difficulty in granting to towns having less than one hundred and twenty (one fifth of six hundred) inhabitants a right to representation a proportionate part of the time, when in some instances it will run over a period of thirty years, I will not undertake to say; perhaps that can be legally done. Certainly the town of Waterville would not have a representative oftener than once in thirty years; the town of Windsor, if we may judge from the falling off of ratable polls since the census of 1880 was taken, would have a representative but once in thirty years. My opinion is, although I do not propose to make any motion here, that the elections should be held according to the plan of the gentleman from Manchester (Mr. Smith). The provision in the resolution of the gentleman from Manchester is



that the elections in classed towns shall be held in the various towns at the time of the biennial election. Then it concludes in this way: "The manner of calling and conducting the meetings for the choice of representatives by such classes, and of ascertaining their election, shall be prescribed by law."

Now I entertain not a particle of doubt that the Legislature at the very first opportunity would provide in that particular case, if the amendment of the gentleman from Manchester (Mr. Smith) should be adopted, that elections in those towns which are classed shall be determined by a plurality vote. It seems to me that those towns would then be well situated, and that it will be for their best interests to do that way. At the same time, if it is a fact that all of those towns which are classed prefer the plan reported by the committee, I do not propose to trouble myself very much about it; but I have stated my views, so far as I have any, after only a very brief consideration of the subject.

Mr. Ladd of Lancaster: I am sorry to take the time of the convention upon this matter, but it seems to me a word further in the way of explanation is called for. Of course this is a matter which would not naturally engage the attention of very many members of the convention, for the reason that there are very few who are interested in it; but, at the same time, it is a matter of very considerable importance to a few, comparatively few, citizens of the State. I may say, I think without impropriety, that there has been no matter before the committee of which I am a member that has given the committee so much real trouble, if I may use the word, as this subject. The two propositions are undoubtedly understood; but perhaps it may be doubted whether a very large number of the convention have given their attention to the thing as it now exists under the Constitution. This provision was introduced with the amendment adopted in 1876, for the purpose of reducing the membership of the House of Representatives. Perhaps there are thirty or forty towns, I do not know exactly how many, which have not the requisite population to entitle them to a representative in the General Court; the Legislature was authorized to class such towns as could be conveniently classed to make up in population the requisite number for a representative. The Legislature also has authority to

allow such towns as cannot be conveniently classed to elect their representatives for such proportionate part of the time as their population bears to six hundred, which is the number a town must have to entitle it to a representative ; and the Legislature, under that provision, was to look into each individual case, and was to determine whether towns were so situated that they could be conveniently classed, and if they were, put them into a class. A town so situated that it could not be conveniently classed with another would be left by the Legislature to elect a representative for a proportionate part of the time. There was only one town in Rockingham county which had less than six hundred inhabitants, and, as it was remote from other towns, it would be left to send a representative such a proportion of the time as its inhabitants bore to six hundred. The whole matter was left to the Legislature, and the Legislature made up certain classes soon after the adoption of the amendment. Then, upon a census, this matter is looked over and revised every ten years. It was revised in 1881, and the classes were then considerably changed. Now the complaint is, as has been said, — and it is well grounded beyond question, — that in towns which have been classed and are now classed under this provision, the voters are subjected to great inconvenience in getting to the place of meeting. The first town meeting is held in the town having the largest number of inhabitants, the next in the next largest, and so on, rotating year after year.

The convention has two proposals before it, and then there is the alternative of allowing the matter to rest where it is now under the amendment of 1876. There are three ways to be considered, — to let it alone, adopt the resolution of the gentleman from Manchester (Mr. Smith) which provides a method of voting in each town, and some provision for a returning, counting of the votes, and declaration of the person elected, or, striking out classes altogether, to leave all the towns to send a representative a proportionate part of the time.

Now the committee were in much doubt. I think there was no member of the committee who expressed any very decided views about it, and I am sorry that we are not able to offer a proposal which we can support with confidence as the

best. I will say that my own individual judgment about it as a mere practical thing, as a matter of convenience, coincides with the opinion of the gentleman from Laconia (Mr. Hibbard), who has expressed himself in favor of the proposition of the gentleman from Manchester (Mr. Smith). Upon the best consideration I have been able to give the matter, I think I should vote in favor of that proposition rather than leave it as it is or give to towns a representation in proportion to their population. It has been suggested that there are three or four towns in the State which would not have a representative oftener than once in twenty years, which would not amount to very much; but, as has been said, the committee decided, on the whole, to report in favor of this proposal to strike out classes entirely, for the reason that almost every one of the gentlemen from those classed towns who appeared before the committee—and those towns were largely represented, and we had quite a long talk—seemed to be in favor of that proposition. I think, however, there was no very decided preference expressed, nor decided objection to the other method from any one. The main interest seemed to be that some plan should be adopted which would relieve the people of these small towns from the great inconvenience to which they are now subjected.

Mr. Harvey of Surry: I have the honor to represent in this convention three of these classed towns. I know it is the universal desire of the voters in our class that the class be broken up and that each town be allowed to send a representative its proportion of the time. In 1883 a petition to break up the class was presented to the Legislature. It was circulated through the three towns and received the signature of every man to whom it was presented, of each and every party, and it was presented to nearly every man; it was signed by almost the entire number of legal voters in the class. The inconvenience of these classes may not be apparent to gentlemen who live in a large town; it may not be apparent to gentlemen who live in this city who go to their polling places and vote in fifteen or twenty minutes and dispose of the whole duties of election in half an hour. We had to spend three days this fall in the operation. For the old men of our towns who have voted all their lives for representatives to



be compelled on a cold November day to drive fifteen or twenty miles over the hills to vote for representative is quite a hardship, and the majority of them say, that if they cannot vote in their own towns they will not vote. In the last election, in fact in all elections that have been held in the class, there never has been fifty per cent of the full vote polled ; in the election this fall I think the number was not nearly as large as that. I know that in the election for delegate, although we have more than two hundred names on the list, the number of ballots cast was less than thirty, owing to the distance, weather, and bad traveling. As to the argument that we will not have representation often enough, perhaps but once in twenty years, the men of my town say : " Let us vote for our own men, and at home ; if we cannot have a representative more than once in ten years, we had rather elect our own man than to go to some other town and vote for their man." When a representative comes from another town of the class, we feel somewhat towards him as we should towards a representative from any other town ; he is a stranger to us, we do not know him.

Reference has been made to the town of Windsor. I understand the gentleman who represents that town in this convention that they have not sent a representative since 1878, and they are better satisfied than they would be if they were classed. They have elected a representative to the next Legislature, and I hope in deference to the town he may be admitted ; but rather than be classed they would prefer to be disfranchised and left alone. I know this is the feeling quite largely with the delegates from these classed towns, and I hope that these small towns, many of which may be growing smaller but have an interest in the welfare of New Hampshire second to none, may be given their choice as to the manner of electing their representatives. I hope the resolution which I have introduced will be adopted.

Mr. Colby of Claremont : I was a member of that committee, and although, as has been said, it was a very difficult subject to pass upon and determine what was desirable, I voted for the report of the committee. My principal objection to the scheme presented by the gentleman from Manchester is this : that it would amount to a practical disfranchisement of all the smaller



places. If the plurality rule were adopted, the larger place would stand a chance to have the representative every time.

Mr. Cross of Manchester : I was on the committee, and, as has been said, we had great difficulty to know what was best. My first impression was that the resolution introduced by the gentleman from Manchester was the proper one. We invited delegates from the several classed towns to appear before us, and I think there were some fifteen or eighteen classed towns represented ; and, as the gentleman from Surry has just said, he with others preferred the resolution recommended by the committee. I voted in favor of it because I thought they understood their business better than I do. I live in a large city and vote very conveniently. These men who live in the classed towns ask that they may have proportionate representation. They know what they want, and I submit that it is fair to let them have what is most convenient and best for them.

Mr. Lyman of Exeter : Various gentlemen have spoken to me on this matter, commencing a number of weeks ago, — I mean gentlemen from these towns which have not inhabitants enough to send a representative, — and every single one of them has urged this plan which the committee reports in favor of. Now if the people living in these places wish to adopt that system, I do not see why we who live in larger places should object to it in the least. I hope the report of the committee will at once be adopted.

Mr. Smith of Manchester : I desire to say a word, inasmuch as my name is linked with this proposition, in explanation of the reason why I introduced it. It is, of course, a matter in which I have no personal interest, as I live in a ward which is represented by two representatives. My attention was called to this matter by a letter from a gentleman in the town of Madison, which is classed with the town of Albany, in which he says : " I write to call your attention to a change desired by the classed towns of Albany and Madison, and other such towns, in article 10 of the Constitution, as to the place of holding town meetings. Some of the voters of Albany have to travel nearly forty miles both ways to attend town meeting for the choice of representatives, when holden in Madison. Voters in Madison have to travel

twenty-five miles both ways to attend town meeting in Albany for such purpose, and find no accommodation for their teams, etc., when they get there. They desire such alterations as will allow them to vote at home for representatives, the same as is done in Maine and Massachusetts. I am confident that you must see the justice of the change requested, and I take the liberty to write you and bring the matter to the attention of the convention."

In consequence of this letter, I drew the amendment which has been read and introduced. If the people from the classed towns desire the plan reported by the committee, so be it; if they desire the other plan, they ought to have it. My only wish is that the people of the classed towns shall have their own way.

At the request of Mr. Barton of Newport, the resolution introduced by Mr. Smith of Manchester was read by the clerk.

Mr. Cross of Manchester: This proposition that has just been read the classed towns do not want, but they do want the other. The gentleman from Manchester (Mr. Smith) received a letter from a gentleman residing in the town of Madison, and I have just asked my friend, Mr. Pitman, whether Madison is larger or smaller than Albany, and he says that Madison is three or four times larger than Albany. Under the system of classed towns the large town will have the representative all the time, and the small town will not have any representative at all; so these small classed towns prefer proportionate representation, so that they will be sure they will have a representative a part of the time.

The question being stated,

Shall the resolution reported by the committee, adverse to the amendment proposed by Mr. Smith of Manchester, be adopted?

The resolution was adopted and the proposed amendment rejected.

The following resolution, reported from the same committee by Mr. Abbott of Winchester, was considered:

*Resolved*, That article 10 of the Constitution be stricken out and article 11 be amended so as to read as follows:

“Whenever any town, place, or city ward shall have less than six hundred such inhabitants, the General Court shall authorize such town, place, or ward to elect and send to the General Court a representative such proportionate part of the time as the number of its inhabitants shall bear to six hundred, but the General Court shall not authorize any such town, place, or ward to elect and send such representative except as herein provided.”

The question being stated, the report was accepted and the resolution adopted.

On motion of Mr. Durgin of Concord, the convention at 12.40 adjourned.

#### AFTERNOON.

The convention met according to adjournment.

(The president in the chair.)

#### REPORTS OF COMMITTEES.

Mr. Mellows, from the special committee to which was referred the memorial of the New England Woman Suffrage Association, having considered the same, report that at this late day in the session it is inexpedient to propose any amendment to the Constitution relative to this matter, and that the memorialists have leave to withdraw.

The report was accepted and adopted.

On motion of Mr. Dole of Lebanon, the amendment adopted by the convention relative to filling vacancies in the Senate, was recommitted to the Committee on Legislative Department.

Mr. Bartlett of Manchester introduced the following resolution :

*Resolved*, That when the convention adjourn on Saturday it adjourn to meet at the call of the president, or, in case of his death, by the governor.

Mr. Dole of Lebanon : I move to amend the resolution by

adding, “ *Provided*, such call be considered necessary by the governor or president, as the case may be.”

Mr. Bartlett : I accept the amendment.

The President : As amended, the resolution is in these words :

*Resolved*, That when the convention adjourn to-morrow, it adjourn to meet at the call of the president or governor of the State ; *provided*, such call be considered necessary by the president or by the governor, as the case may be.

The question being stated, the resolution as amended was adopted.

Mr. Smith of Manchester : There are several committees which have business in hand that must be attended to before anything further can be done, and they must have time to do their work. I therefore move that we take a recess until 5 o'clock this afternoon.

The motion prevailed.

The convention reassembled at 5 o'clock.

(The president in the chair.)

#### REPORTS OF COMMITTEES.

Mr. Briggs, from the Committee on Legislative Department, to which was referred the resolution proposing an amendment to the Constitution in relation to filling vacancies in the Senate, having considered the same, reported the following amendment, and recommended its adoption :

Amend article 34, part second, as follows :

Strike out all after the word “ State ” where it first occurs in the said article, and insert in place thereof the following : “ All vacancies in the Senate arising by death, removal out of the State, or otherwise, except from failure to elect, shall be filled by a new election by the people of the district, upon the requisition of the governor, as soon as may be after such vacancies shall happen,” so that as amended said article shall read as follows :



“ART. 34. And, in case there shall not appear to be a senator elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: the members of the House of Representatives and such senators as shall be declared elected shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot, the senator wanted for such district; and in this manner all such vacancies shall be filled up in every district of the State. All vacancies in the Senate arising by death, removal out of the State, or otherwise, except from failure to elect, shall be filled by a new election by the people of the district, upon the requisition of the governor, as soon as may be after such vacancies shall happen.”

Mr. Hibbard, from the select committee who were instructed to consider the expediency of publishing a report of the proceedings and debates of the convention, and, if deemed expedient, to report a plan for the publication of such report, having considered the same, reported the following resolutions:

*Resolved*, That the official reporter be directed to make a copy of the debates *verbatim*, not including addresses in Committee of the Whole by persons not members of the convention, and that he be paid in full for his services in reporting and copying said debates the usual compensation of twenty-five cents for each hundred words, and that his account be audited by the governor, who shall draw his warrant for the same.

*Resolved*, That the secretary be instructed to procure at the close of this convention two thousand printed copies, in pamphlet form, properly indexed, of the proceedings and debates, to be distributed as follows under the direction of the secretary of state: One copy to each member and officer of the convention; one copy to each town, to be kept in the office of the town clerk; one copy to each secretary of other States and Territories, to be placed in their respective state or territorial libraries; one copy to each public institution of learning in our State; one copy to each public or circulating library in our State; five copies to Dartmouth College; five copies to the New Hampshire Historical Society; ten copies to the New Hampshire State Library; five hundred copies to be reserved for the use of mem-

bers of future conventions ; and the remainder to be disposed of at the discretion of the secretary of state.

Mr. Hibbard of Laconia : It is impossible to state exactly how large a volume this proposed publication will make, but, according to the best information we can obtain from the official reporter and the secretary, it will be a smaller volume than the report of the proceedings and debates of the convention of 1876, and, according to the best information that the committee have been able to get from the official reporter and from the state printer, the whole expense of paying the reporter and the printer will be from \$800 to \$900 ; perhaps not more than \$800, but it seemed very certain less than \$900.

Mr. Gilmore of Manchester : I suppose that estimate does not include paying the secretary. The Committee on Finance have under consideration a resolution providing for paying the secretary, but I hardly think they will be able to report this afternoon and possibly not before to-morrow. It will be the duty of the secretary to prepare an index. An index may be good for something or it may be good for nothing. The opinion of the Finance Committee is that the secretary should make an index to every member, an index to the town, an index to subjects, so that whenever any gentleman hereafter inspects the journal to find the remarks of any member, or to find any subject discussed, he can turn right to it. Now it is considerable work to make such an index, and the resolution just reported does not provide for that expense. I make this explanation at this time, but we will prepare a resolution to provide for this very thing.

The report was accepted and the resolutions adopted.

Mr. Gilmore of Manchester : At the request of the president, as there is nothing on his table, I have just been out to see the chairman of the Committee on Final Presentation (Mr. Dole), and he thinks they cannot get ready for an hour. Now the Finance Committee would like an hour, and if it meets the approbation of the convention, I think we had better have an evening session. In order to take the sense of the convention, I move that we adjourn until 7.30 o'clock this evening.

The motion prevailed and the convention adjourned.

## EVENING.

The convention met according to adjournment.

(The president in the chair.)

On motion of Mr. Gilmore of Manchester, voted that when the convention adjourn this evening it be to meet to-morrow morning at 9 o'clock.

Mr. Baker of Lebanon offered the following resolution :

*Resolved*, That the secretary of the convention be instructed to supervise the printing of the journal of the convention, and to prepare and cause to be printed therewith a proper and extended index, under suitable headings, for ready reference to names, towns, and subjects ; and that his bill for compensation therefor, when audited and approved by the governor and council, be allowed and paid.

The resolution was adopted.

Mr. Bales of Wilton stated that the record of his vote on the resolution relating to the prohibitory amendment to the Constitution was incorrect ; he voted "no," and the record is "yes."

Mr. Dole, from the Committee on Time and Mode of Submitting to the People the Amendments agreed to by the Convention, reported the following preamble and resolutions :

## THE STATE OF NEW HAMPSHIRE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE.

In the convention of delegates assembled at Concord on the first Wednesday of January, in the year of our Lord one thousand eight hundred and eighty-nine, for the purpose of revising the Constitution of this State, in pursuance of an act of the Legislature passed November 5, in the year of our Lord one thousand eight hundred and eighty-seven, —

I. *Resolved*, That the alterations and amendments proposed to the Constitution shall be submitted to the qualified voters of the

State, at meetings to be called and holden in the several towns, city wards, and places in the State, on the second Tuesday of March, in the year of our Lord one thousand eight hundred and eighty-nine, to be by them acted upon at said meetings, or any adjournment thereof within the same week.

II. *Resolved*, That the selectmen of the several towns, wards, and places in the State be directed to insert, in their warrants calling the said meetings, an article to the following effect: "To take the sense of the qualified voters whether the alterations and amendments of the Constitution proposed by the constitutional convention shall be approved."

III. *Resolved*, That the sense of the qualified voters shall be taken by ballot upon each of the following questions submitted to them by this convention:

1. Do you approve of changing the time for the meeting of the Legislature from June to January, and of changing the time when the terms of office of the executive and legislative departments shall commence, and the other amendments in conformity therewith, as proposed in the amended Constitution?

2. Do you approve of compensating the members of both houses of the Legislature by a fixed salary, as proposed in the amended Constitution?

3. Do you approve of filling vacancies in the Senate by a new election, as proposed in the amended Constitution?

4. Do you approve of having the speaker of the House act as governor in case of vacancies in the offices of governor and president of the Senate, as proposed in the amended Constitution?

5. Do you approve of inserting in the Constitution an article prohibiting the manufacture, or sale, or keeping for sale of alcoholic or intoxicating liquor as a beverage, as proposed in the amended Constitution?

6. Do you approve of amending article 6 of the Bill of Rights, making the same non-sectarian, as proposed in the amended Constitution?



7. Do you approve of amending the Constitution with reference to representation in classed towns, as proposed in the amended constitution ?

IV. *Resolved*, That the votes on the said questions shall be recorded, copied, sealed up, labeled, directed, and returned by the town clerks to the secretary of state, on or before the first Tuesday of April, A. D. 1889, under the same penalty as is by law prescribed for neglect to return the votes for governor, and said votes shall be by the secretary of state seasonably laid before the governor and council.

V. *Resolved*, That the secretary of state is hereby directed to furnish blanks to the town clerks of the different towns, wards, and places, for the return of the votes on said questions, in the following form :

“STATE OF NEW HAMPSHIRE.

“TOWN OF ———, COUNTY of ———. At a legal meeting of the qualified voters of the town of ———, holden on the second Tuesday of March, A. D. 1889, the votes on the several questions involving the alterations and amendments of the Constitution, submitted to the qualified voters, were as follows :

“Question 1st, — Yeas, —. Nays, —.

“Question 2d, — Yeas, —. Nays, —, etc., etc., to and including question 7.

“Attest :

———, *Town Clerk.*”

VI. *Resolved*, That the secretary of this convention be directed to procure to be printed one hundred and twenty thousand copies of the Constitution as altered and amended by this convention, and the same number of copies of the questions to be proposed to the qualified voters, and the same number of these resolutions, and to cause the same to be distributed, as soon as may be, to the town clerks of the respective towns, wards, and places in the State, for the use of the qualified voters, in numbers proportionate as near as may be to the number of the legal voters in the said respective towns, wards, and places ; and it is

made the duty of said clerks seasonably to distribute the same among said voters.

VII. *Resolved*, That the secretary of state be also required to furnish an equal number of printed ballots containing said questions to be thus voted upon, and that they be distributed to the town clerks as provided in the preceding resolution, a reasonable time previous to said March meetings, to be by them seasonably distributed at said meetings.

VIII. *Resolved*, That the governor and council, prior to the third Tuesday of April, A. D. 1889, shall open and count said votes, and make a record thereof; and the governor shall forthwith issue his proclamation announcing the result of the vote on each of said questions submitted to the people.

IX. *Resolved*, That such of the proposed amendments as shall be approved by the requisite number of votes, shall take effect and be in force at the times hereinafter mentioned, to wit: the amendments to articles 3, 32, 33, 42, 43, 60, and 66, part second of the Constitution, on the first day of November, A. D. 1890, and all other amendments on the first Wednesday of June, A. D. 1889.

X. *Resolved*, That if the amendments to articles 3, 32, 33, 42, 43, 60, and 66, part second of the Constitution, shall be approved by the requisite number of votes, the General Court elected at the biennial election in November, 1890, shall first assemble under the amended Constitution on the first Wednesday of January, A. D. 1891; and the senators and representatives elected for the term commencing on the first Wednesday of June, A. D. 1889, shall hold their respective offices until the first Wednesday of January, A. D. 1891, and no longer; and the governor and councilors elected for the term commencing in June, A. D. 1889, shall hold their respective offices until the first Wednesday of January, A. D. 1891, and until others are qualified in their stead, and no longer.

XI. *Resolved*, That these resolutions, signed by the president of this convention and attested by the secretary, be published once in all the newspapers of the State authorized to publish the

public laws ; and that these resolutions, together with the journal and files of this convention, be deposited in the office of the secretary of state.

The question being stated, the resolutions were adopted.

Mr. Gilmore, from the Committee on Finance, reported that the committee had examined and approved the following bills :

Officers and employés' pay-roll . . . . .	\$579.20
John B. Clarke, printing and stationery . . . . .	181.67
John W. Odlin, clerical services . . . . .	2.50
Republican Press Association, stationery . . . . .	.50
Total . . . . .	<u>\$763.87</u>

#### OFFICERS AND EMPLOYES' PAY-ROLL.

	Mileage.	Total.
James R. Jackson, secretary . . . . .	226	\$105.60
William Tutherly, assistant secretary . . . . .	108	93.80
James Thurston, chaplain . . . . .		25.00
Timothy Tilton, sergeant-at-arms . . . . .	52	43.70
John Underhill, doorkeeper . . . . .	56	44.10
George E. Chesley, doorkeeper . . . . .	2	38.70
Almon H. Sweetser, doorkeeper . . . . .	270	65.50
Louis M. Patterson, page . . . . .	2	22.20
Leon Coleman, page . . . . .	186	40.60
James E. Randlett, janitor . . . . .		60.00
A. W. Colby, assistant janitor . . . . .		20.00
O. I. Godfrey, assistant janitor . . . . .		20.00
		<u>\$579.20</u>

And they recommend the passage of the following resolution :

*Resolved*, That the foregoing bills be allowed and paid, and that the secretary be authorized to enter the same on the pay-rolls of the convention.

The report was accepted and the resolution adopted.

The same gentleman, from the same committee, recommended the assumption, as chargeable to the expenses of this convention, of the bill of S. S. Jackman & Co., for \$1,219.52, the same being, in part, the expense of providing the steam-heating apparatus for the use of the convention, and offered the following resolution :

*Resolved*, That the bill of S. S. Jackman & Co., amounting to \$1,219.52, be assumed, and allowed from the appropriation for this convention.

The question being stated,

Mr. Gilmore of Manchester: I wish to make an explanation in regard to the resolution just read. When this convention was called, the governor and council assumed the responsibility of putting a steam-heating apparatus into this hall. The Finance Committee are of the opinion that it would be only courteous to the governor and council for this convention to assume and pay the bill. I will read some figures as to the cost of the convention, and try to answer any inquiries that may be made.

The Finance Committee find that in 1876 the Legislature appropriated \$25,000 to be expended for a constitutional convention. There is still on the state treasurer's books \$1,701.65 unexpended balance, and that never has been covered back into the treasury. There was appropriated for this convention \$25,000, and there have been paid out so far as follows: Mileage of members, \$3,834.10; pay-roll, \$10,598.50; employes' pay-roll and printing, \$736.87. That is less than the convention paid twelve years ago, by \$601.65, for the same purposes. Estimated cost of two thousand journals of this convention, including printing, indexing, and secretary's services, \$1,250. This estimate is on the basis of the figures given by the gentleman from Laconia (Mr. Hibbard). There are 120,000 copies of the Constitution as amended to be distributed. I have inquired of gentlemen who are conversant with such matters, and they say that will cost from \$600 to \$1,000; that makes the total cost of this convention \$16,446.47, leaving unexpended a balance of \$8,553.53. Now, if this convention assumes the payment of this



bill of S. S. Jackman & Co., of \$1,219.52, it will still leave an unexpended balance of \$7,334.01.

Mr. Davis of Hopkinton : There is a motion here, that when this convention adjourns to-morrow it adjourn to meet at the call of the president or the governor. I would like to ask if there is a probability that it will be called together so that we should need this money which is unexpended.

Mr. Gilmore : In the adoption of some amendment, parts of the Constitution might inadvertently be made to conflict with each other. Under those circumstances I presume the governor or the president of this convention would feel called upon to bring the convention together to remedy the defect, as has been done in one or two instances before. A gentleman has asked me how to account for the difference in the expenses of this convention and those of the convention of 1876. In that convention there were fifty-two more members than in this, to whom were paid mileage and per diem.

The question being stated, the resolution was adopted.

(Mr. Lyman of Exeter in the chair.)

Mr. Smith of Manchester offered the following resolution :

*Resolved*, That the thanks of this convention be presented to the Hon. Charles H. Bell, for the ability and impartiality with which he has presided over this convention.

The question being stated,

Mr. Smith of Manchester : The fact that it has been my good fortune to have enjoyed the acquaintance and personal friendship of the president of this convention for a period of more than forty years, no less than the fact that he has presided over our deliberations with such fairness and ability, gives me especial pleasure in presenting this resolution. The people, by their action two years ago, indicated that certain changes in their organic law were desired. It was generally believed that the changes demanded were not many nor radical, that they were rather of an administrative than of a fundamental character. I trust that this con-

vention has correctly interpreted the popular voice so that our action may meet with the popular approval. If we have made any mistake, we probably have underestimated rather than overrated the demand for amendments. If we have succeeded in meeting the wishes of our constituents, and have disposed of the business which called us here with reasonable dispatch, our success has been largely due to the uniform courtesy and eminent ability with which the president has presided over our deliberations.

Mr. Hibbard of Laconia: I heartily concur in the resolution presented by the gentleman from Manchester (Mr. Smith), and in all that he has said. Our presiding officer has discharged the delicate duties imposed upon him by the convention with impartiality, with courtesy, with dignity, with ability. He will carry to his home at the close of his labors here the confidence, the kind regard, and the best wishes of every member of this convention.

Mr. Hadley of Concord: It gives me more than ordinary pleasure to testify to the merits of our presiding officer. He was a classmate of mine in college, he has always been my personal friend, and I have watched with interest the eminent ability with which he has filled all the high positions to which he has been called in the political history of our State. I do not consider this as a mere complimentary vote, a mere matter of course; it certainly is not so with me, and I feel that I am expressing the opinion of all the delegates to this convention when I say it is not so with them. He has performed his duty well. I will not say that it is a rounding of his career, but it is a glorious and noble continuance of it, and we can heartily say, "Well done, good and faithful servant;" but may his days yet be long in the land.

Mr. Ladd of Lancaster: I am unwilling to let this occasion pass without expressing my most sincere and hearty concurrence in the sentiments of the resolution, and in everything that has been said here by gentlemen upon the floor in respect to the manner in which the eminent gentleman who has presided over our deliberations has discharged his duties.

Mr. Bartlett of Raymond : In behalf of the younger members of this convention I would raise my voice to show that we heartily appreciate the extreme courtesy which the gentleman has shown toward us in all the deliberations of this assembly.

Mr. Page of Manchester : I wish to offer one sentiment to the president of this convention : May he never make a less satisfactory display of his strong intellectual powers and executive ability than he has during the session of this convention.

Mr. Todd of Atkinson : I feel constrained to say just one word. I knew the president forty-eight years ago as a classmate at Dartmouth, so I think I have known him about as long as any one here. He was a gentleman and a scholar then, he is a gentleman and a scholar now ; he has been a gentleman and a scholar during his whole life. Few citizens of New Hampshire have held more positions of trust, or discharged their duties with more honor to themselves and the State. He will carry with him to his home the best wishes of us all.

The resolution was, by a rising vote, unanimously adopted.

The president, having resumed the chair, addressed the convention as follows :

*Gentlemen of the Convention :*

I should be insensible indeed if I were not deeply gratified by the resolution which you have adopted, and by the kind words with which it has been advocated by gentlemen whose good opinion I specially prize, in reference to my conduct in the chair. I have earnestly tried to do my duty faithfully and acceptably, and it is pleasant to feel the assurance that my efforts have been appreciated ; but I cannot forget that the character and disposition of the convention itself have rendered the position of its presiding officer easy and agreeable.

It is only just to say, gentlemen, that you have brought to the work of the revision of the Constitution honesty of purpose, diligence and fidelity, intelligence and ability, not to mention patience and good temper, such as place this convention in the foremost rank among similar deliberative bodies which have been



anywhere assembled. And now that your part here is substantially completed, you are about to return to your homes and to meet your constituents with the consciousness of duty well done. The amendments which you have agreed to submit to the voice of the people will, in my judgment, meet all their reasonable expectations and their approval, and will, I cannot doubt, work substantial and lasting benefit to the Constitution of the State, which is the object of our affection and pride.

Gentlemen, the hour of our separation is near at hand, and before we part permit me to return you my sincere thanks for your uniform courtesy and kindness, and to assure each one of you of my heartfelt wishes for your prosperity and happiness.

Mr. Emery of Auburn offered the following resolution :

*Resolved*, That the thanks of the convention be hereby tendered to the secretary, assistant secretary, chaplain, sergeant-at-arms, reporters, doorkeepers, and pages for the faithful discharge of their several duties.

The resolution was unanimously adopted.

Mr. Gilmore of Manchester : I wish to call the attention of the convention to the fact that it is the duty of the secretary of state to prepare votes for use on the day when the people act upon the amendments submitted to them by this convention. I have here a copy of the votes which were used twelve years ago. This form of vote might be adopted : At the right hand side, in a vertical column running the whole length of the votes, have the word " Yes " printed, and on the opposite side the word " No," with instructions to the moderator and selectmen that when the word " No " is crossed out the " Yes " is to be counted, when the " Yes " is crossed out the " No " is to be counted, and when neither word is crossed out the vote is a blank. Many voters come to town meeting without any pencil or other facility for writing, and such things are not very conveniently obtained. Perhaps some gentleman between now and morning will introduce a resolution covering this point. Perhaps a suggestion to the secretary of state would be sufficient. I speak of this merely to bring the matter to your attention ; I do not make any motion.



Mr. Todd of Atkinson: How could the voter cross out the word if he had no pencil?

Mr. Gilmore: Cut it out.

On motion of Mr. Buttrick of Troy, the convention adjourned.

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SATURDAY, JANUARY 12, 1889.

The convention met according to adjournment.

(The president in the chair.)

Prayer was offered by the chaplain.

On motion of Mr. Bartlett of Manchester, the reading of the journal was dispensed with.

Mr. Todd of Atkinson: On the question of submitting the prohibitory amendment to the people, Mr. Sanborn of Hampstead voted "no," when he intended to vote "yes." He is hard of hearing and was a little confused, and he wished me to move that the journal be corrected so that his name may be recorded as voting "yes" instead of "no," and accordingly I make that motion.

The motion prevailed.

Mr. Smith of Manchester, from the special committee to consider whether any provision shall be made relative to the time when the terms of office of executive and legislative officers of the State, commencing in June, 1889, shall terminate, in case the change of time for the assembling of the Legislature shall be adopted by the qualified voters, report that the subject-matter committed to them is embraced in the tenth resolution reported by the Committee on Time and Mode of Submitting Amendments to the People, and that resolution has been adopted by the convention. The special committee therefore ask to be discharged from any further consideration of the matter.

The report was accepted and the committee discharged.

Mr. Dowe of Hanover : I find, from the report of the yeas and nays published in the "Monitor" on the question of the prohibitory amendment, that my name does not appear on the record. I wish my name to go on the record, and I would inquire of the secretary if it is on the record.

The Secretary : The gentleman is recorded as having voted "yes."

Mr. Gilmore of Manchester offered the following preamble and resolution :


### THE STATE OF NEW HAMPSHIRE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND EIGHTY-NINE.

In the convention of delegates assembled at Concord on the first Wednesday of January, A. D. 1889, for the purpose of revising the Constitution of this State, in pursuance of an act of the Legislature approved November 5, A. D. 1887,

*Resolved*, That upon the printed ballots containing the questions to be voted upon at the election to be held on the second Tuesday of March, A. D. 1889, and under each question thereon, be printed the word "Yes" and the word "No ;" that the voter desiring to vote "yes" upon either or any of said questions shall erase the word "no", and if he desires to vote "no," shall erase the word "yes." All ballots cast where neither of said words is erased under any of said questions, shall not be counted as to such questions.

The secretary of state shall cause to be printed at the bottom of each printed ballot, distributed to the several town clerks, a note in plain and conspicuous type as follows :

" Every voter who wishes to vote 'yes' will erase the word 'no.' If he wishes to vote 'no,' he will erase the word 'yes.' If neither of said words is erased, his ballot will not be counted."

The question being stated,

Mr. Durgin of Concord : I notice in some State, Massachusetts, I think, where a similar method was adopted in voting for license or no license, a great many ballots were cast without the "yes" or "no" being erased. Of course those ballots were counted blank. Every man who is qualified to vote will be able to read "yes" or "no." I think it would be better to have the blank printed as Mr. Gilmore suggested last night, the articles to be voted on printed down the ballot with two columns on the right, "yes" at the top of one, and "no" at the top of the other ; and the person who wants to vote for any of these articles or against any of them can so indicate in these columns.

The President : A slight modification has been made. It does not alter the sense in any way ; it makes it more definite.

Mr. Gilmore of Manchester : Since I called the attention of the convention last night to the matter of preparing votes, several gentlemen have expressed a desire for the introduction of a resolution with reference to it. The proposed form of votes differs from the form suggested by me only in this, that instead of having vertical columns on the outside, the answer is in large letters at the bottom of each question. I can see no material difference. In conference with the secretary of state, who is to print the ballots, he said he would have them in large, conspicuous type so that they will attract the attention of the voter.

Mr. Kelley of Weare : I should be in favor of but one ballot, and the ballot that I would prefer would have "yes" printed on the left-hand side and "no" printed on the right-hand side of the margin, and then, if I were to go to town meeting without a pencil or knife, I could very readily fix that ballot to suit myself. I would not have to borrow a pencil or knife from my townsman, and he would not be interested in knowing to what use I had put the pencil or knife. I could, without any trouble, tear off either the "yes" or the "no" from one side or the other. I would have the propositions all on one ballot, as was proposed last night ; and if I cast that ballot without tearing off

either the "yes" or "no" from any one of the questions, the ballot would be returned as a blank.

Mr. Walker of Concord: It strikes me we have already got this thing in the best shape we can have it. I think if we had a blackboard here and should write one of those questions upon it, and were then asked where can we best place the "yes" or the "no," there would be no doubt in the mind of any one that it should be placed where it could be seen and understood the easiest. If I understand the gentleman from Manchester (Mr. Gilmore), he proposes to print the answers "yes" and "no" underneath each question, and at the bottom of the whole ballot a direction to the voter, which is in substance this: If you have a lead pencil, strike out whichever answer you want to; and if you have not a pencil but are a smoker and have a jack-knife, cut out whichever you want to; and if you have neither, stick your little finger through whichever one of the answers you want to obliterate. That method is evidently plainer and more easily effected than any other. If the answers be placed on the margin, outside of the questions, some uncertainty will arise in the mind of the voter what to do. I do not see how we can possibly make it any plainer than the committee have reported it.

Mr. Davis of Hopkinton: No intelligent voter who takes any interest in the matter and desires to vote understandingly on any of these propositions will have any difficulty; but a large part of these ballots, as every one knows, will be manipulated by persons who distribute votes, and those persons are going to tell voters how they ought to vote. I move to amend the resolution so that half of the ballots shall be printed with the answer "yes" and half with the answer "no."

Mr. Randall of Grafton: It would seem to me to obviate the difficulty to have the ballots printed in two different colors, and the voters would thus be able to distinguish them unless they are color blind.

Mr. Davis of Hopkinton: I am urged that it is better to withdraw my motion, although I would like to see it put. I withdraw my motion.



The question being stated,

The resolution reported by the committee was adopted.

Mr. Hibbard of Laconia : It was suggested that the expense of publishing the resolutions, passed at the evening session yesterday, as contemplated in the last resolution, would be very large, and it was proposed that there should be adopted an amendment to the effect that the publication should be at the same rate as the publication of the laws. The publication of the laws is at a very low rate, and the query was raised whether the newspapers would publish these resolutions at that rate, as they are accustomed to receive the laws in a supplement from the state printer and not actually set them up in their offices. I have consulted with a printer who is as competent as any one, and he states that he does not think the newspapers would publish these resolutions generally at the rate received for publishing the pamphlet laws, and the query has been raised, Does this resolution mean published once or published three times? It does not state. In our General Laws the word "published," when it relates to giving notice by publication, means published three times. The gentleman to whom I have referred made a guess, which was all that he could do in the brief time he had after I succeeded in finding him a few moments since. His guess was, that publishing once would cost \$500, and publishing three times would cost double that sum. Now I propose that the resolution reported and adopted shall be amended by unanimous consent by inserting the word "once." I do not propose any reconsideration of the vote adopting the resolution, but by unanimous consent, no doubt, this word "once" can now be inserted after the word "published" and before the words "in all the newspapers."

The President : The gentleman from Laconia (Mr. Hibbard) desires that the amendment be made in the report by the unanimous consent of the convention, and if no objection is made on the part of any gentleman that will be ordered, the amendment may be made by unanimous consent.

No objection being made, the amendment was adopted.

Mr. Davis of Hopkinton moved that the convention adjourn to meet at the call of the president, or, in case of his death, of the governor of the State.

The motion prevailed, whereupon the president declared the convention adjourned.

JAMES R. JACKSON,  
*Secretary.*

A true copy. Attest:

JAMES R. JACKSON,  
*Secretary.*

## APPENDIX.

## VOTE ON CONSTITUTIONAL AMENDMENTS.

## QUESTIONS SUBMITTED.

NOTE. — The columns are numbered at the head of each with figures corresponding to the number of the several amendments as submitted to the people by the convention. See preamble and resolutions, on pages 253-255.

## BELKNAP COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Alton.....	148	23	120	73	102	75	149	17	96	80	87	68	120	36
Barnstead.....	179	14	182	11	177	13	175	12	100	92	71	97	94	65
Belmont.....	111	67	125	65	96	76	117	83	96	111	71	104	92	80
Centre Harbor.....	69	45	67	45	64	44	57	48	46	69	11	101	47	57
Gilford.....	454	76	467	65	384	114	420	58	365	193	177	327	348	70
Gilmanston.....	187	41	190	32	147	59	190	58	125	106	101	110	144	49
Laconia.....	578	41	578	59	526	49	553	38	361	469	259	138	258	50
Meredith.....	196	120	179	125	168	113	149	103	199	154	179	162	127	84
New Hampton.....	146	13	141	17	149	31	108	26	92	90	77	81	104	38
Sanbornton.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tilton.....	212	13	203	12	146	27	163	13	113	204	100	78	132	19
Totals.....	2,280	453	2,252	504	1,959	601	2,081	456	1,593	1,568	1,133	1,266	1,466	548



## CARROLL COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Albany.....	10	1	10	.....	10	.....	10	.....	1	10	10	.....	20	.....
Bartlett.....	138	.....	138	.....	135	.....	137	.....	54	86	138	.....	136	.....
Brookfield.....	50	16	53	15	46	13	47	17	39	31	32	28	50	13
Chatham.....	33	.....	34	.....	33	.....	28	2	23	10	16	6	22	1
Conway.....	273	20	254	40	248	40	242	43	171	133	130	150	230	52
Eaton.....	82	4	84	2	82	3	77	5	23	65	65	11	76	5
Effingham.....	100	5	106	22	104	10	103	29	51	62	33	44	82	5
Freedom.....	98	12	105	7	83	19	90	12	48	68	29	64	52	29
Hart's Location.....	9	.....	9	.....	4	5	8	.....	7	2	3	5	9	.....
Jackson.....	80	3	70	5	77	6	77	4	45	38	73	7	75	6
Madison.....	55	29	58	29	60	30	62	26	52	37	23	73	74	21
Moultonborough.....	192	2	191	5	190	5	191	3	73	129	47	55	73	8
Ossipee.....	219	19	224	16	196	29	189	18	142	126	37	206	148	36
Sandwich.....	170	16	170	13	164	18	165	15	137	61	110	46	147	17
Tamworth.....	112	5	119	6	115	8	113	11	74	53	74	39	82	34
Tuftonborough.....	155	1	156	3	94	58	125	36	89	68	7	134	130	23
Wakefield.....	181	50	174	55	157	69	164	61	90	138	100	103	167	55
Wolfeborough.....	333	21	334	17	333	17	329	17	256	113	300	43	258	18
Totals.....	2,289	204	2,298	235	2,131	330	2,157	299	1,375	1,234	1,217	1,014	1,831	323

## CHESHIRE COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Alstead.....	114	36	109	40	103	34	99	43	75	85	80	49	80	46
Chesterfield.....	81	64	60	84	46	83	47	85	43	118	32	89	31	83
Dublin.....	70	9	74	4	72	4	66	10	56	22	60	11	66	6
Fitzwilliam.....	129	15	128	8	115	11	120	19	68	91	77	49	94	25
Gilsum.....	87	20	104	8	101	8	93	12	48	68	90	16	84	17
Harrisville.....	70	14	68	14	59	21	64	14	41	48	62	20	53	18
Hinsdale.....	238	4	229	11	240	3	239	4	74	184	228	10	222	4
Jaffrey.....	129	24	152	13	119	19	125	26	101	70	103	45	106	33
Keene.....	1,137	24	1,090	63	1,077	44	1,105	36	534	726	1,030	101	1,064	34
Ward 1.....	275	2	266	13	261	12	277	9	125	169	229	38	253	11
“ 2.....	219	7	211	11	203	12	214	5	103	122	199	20	209	4
“ 3.....	275	6	262	17	261	9	255	15	162	158	249	25	250	10
“ 4.....	160	5	155	10	153	6	162	3	88	119	151	13	153	4
“ 5.....	208	4	196	12	199	5	197	4	56	158	202	5	199	5
Marlborough.....	146	10	142	10	135	12	138	11	123	41	106	33	122	11
Marlow.....	104	6	105	5	101	8	103	6	73	37	62	30	81	15
Nelson.....	63	2	62	5	60	4	52	7	31	36	19	35	49	9
Richmond.....	60	11	64	9	49	14	52	12	30	49	36	26	50	14
Rindge.....	108	7	117	3	107	3	107	6	81	38	100	11	100	5
Roxbury.....	19.....	1	19	1	17	1	16	2	8	12	11	7	7	12
Stoddard.....	44	15	55	16	37	16	40	16	31	30	28	5	51	1

Sullivan.....	34	13	39	6	34	8	39	6	39	13	19	28	41	5
Surry.....	32	11	43	3	40	2	40	1	38	9	35	6	45	2
Swansey.....	183	22	186	18	163	25	166	26	142	131	124	65	134	37
Troy.....	110	7	102	14	103	10	106	6	68	57	90	19	102	8
Walpole.....	207	68	203	64	189	72	192	73	95	229	239	47	186	65
Westmoreland.....	128	1	127	2	118	4	115	2	59	73	93	17	95	9
Winchester.....	291	38	294	34	173	50	265	50	165	214	212	74	226	51
Totals .....	3,584	421	3,572	420	3,258	456	3,389	473	2,023	2,381	2,936	793	3,089	510

## COOS COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Berlin.....	107	10	109	15	83	26	106	9	84	127	113	21	58	49
Carroll.....	36	21	37	20	25	25	26	24	26	31	20	32	23	26
Clarksville.....	19	10	23	9	15	13	14	10	11	19	12	9	27	4
Colebrook.....	118	140	132	125	130	129	135	124	124	146	178	122	94	160
Columbia.....	87	16	92	17	78	20	92	18	84	17	76	19	74	13
Dalton.....	67	8	65	6	66	2	53	16	42	25	60	7	62	3
Dummer.....	10	12	11	11	9	12	9	12	10	14	7	13	7	14
Errol.....	5	17	8	14	8	14	10	11	5	15	5	12	1	19
Gorham.....	178	10	187	8	186	3	185	2	96	95	183	1	185	.....
Jefferson.....	129	9	126	12	117	12	122	13	49	92	104	16	114	17
Lancaster.....	390	34	376	38	345	46	356	48	290	144	325	68	313	46
Milan.....	46	21	41	26	38	26	42	25	31	38	42	28	43	27
Northumberland.....	123	7	123	5	118	9	119	9	93	42	117	10	105	7
Pittsburg.....	24	66	35	45	32	40	38	33	27	66	32	28	64	17
Randolph.....	17	4	15	6	17	4	17	4	11	9	9	12	16	5
Shelburne.....	41	.....	40	.....	38	.....	28	13	27	15	38	1	39	1
Stark.....	35	35	25	50	31	38	33	39	12	66	25	44	12	51
Stewartstown.....	59	48	46	59	46	59	43	63	45	63	42	61	38	62
Stratford.....	80	21	81	20	83	18	80	21	43	58	92	9	91	10



Wentworth's Location.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Whitefield.....	247	18	233	26	226	31	229	26	207	62	44	209	206	35
Totals .....	1,818	507	1,799	512	1,691	527	1,737	520	1,317	1,144	1,524	722	1,572	566

## GRAFTON COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Alexandria .....	61	40	70	35	37	50	34	51	28	65	25	57	37	53
Ashland .....	121	46	121	50	96	61	99	61	81	117	102	54	81	66
Bath .....	79	60	98	42	82	47	91	40	69	75	65	55	55	55
Benton .....	17	20	18	19	19	18	19	18	11	27	9	25	19	16
Bethlehem .....	184	7	190	4	145	45	169	4	107	98	71	121	109	76
Bridgewater .....	48	6	52	5	40	11	45	7	33	22	22	32	44	9
Bristol .....	185	38	175	29	135	33	115	19	66	155	106	63	121	31
Campton .....	116	36	104	52	97	49	108	44	88	83	30	116	61	67
Canaan .....	183	11	183	5	180	5	167	11	81	112	108	78	141	36
Dorchester .....	55	6	48	8	44	13	52	6	13	47	25	30	51	7
Easton .....	11	20	13	13	11	14	14	13	20	14	6	20	32	7
Ellsworth .....	31	.....	30	1	29	2	31	.....	3	20	2	25	30	.....
Enfield .....	221	37	209	36	165	37	173	20	104	136	98	73	111	47
Franconia .....	85	16	87	13	84	13	106	13	73	34	16	87	89	8
Grafton .....	108	43	104	48	91	64	106	52	67	72	68	90	80	74
Groton .....	44	15	51	9	41	16	44	12	12	46	25	25	53	6
Hanover .....	176	37	153	57	145	43	155	34	85	121	122	56	112	49
Haverhill .....	243	183	211	205	212	193	211	197	198	243	149	266	151	228
Hebron .....	20	20	20	22	19	21	19	22	12	27	19	19	30	11
Holderness .....	62	20	63	19	54	23	52	22	28	60	33	42	50	20
Landaff .....	76	18	75	16	71	18	70	17	40	58	29	59	77	8
Lebanon .....	401	28	406	19	389	18	389	29	324	145	347	68	346	31

Lincoln.....	12	1	12	1	7	6	11	21	4	8	4	6	12	1
Lisbon.....	320	24	327	23	395	20	284	30	232	118	194	131	298	32
Littleton.....	451	56	512	34	438	35	418	51	347	257	214	282	317	105
Livermore.....	7	5	7	5	7	5	6	5	4	8	.....	11	.....	11
Lyman.....	66	7	69	8	65	7	59	10	35	45	50	17	50	14
Lyme.....	126	30	128	8	116	22	113	24	66	71	77	64	110	31
Monroe.....	57	4	55	6	46	12	54	7	50	15	35	18	43	7
Orange.....	38	8	40	6	39	7	33	12	26	17	13	28	31	13
Orford.....	65	106	50	116	44	113	55	105	42	134	24	141	33	114
Piermont.....	93	14	60	39	38	56	74	18	84	30	24	72	84	19
Plymouth.....	189	41	197	40	170	45	183	35	92	167	99	88	78	103
Rumney.....	124	38	122	40	85	74	110	44	78	85	26	129	78	77
Thornton.....	57	45	47	44	45	44	30	48	29	85	24	72	44	47
Warren.....	105	40	110	40	98	37	93	48	58	99	52	90	102	42
Waterville.....	5	.....	5	.....	4	.....	5	.....	5	.....	5	.....	5	.....
Wentworth.....	78	6	76	8	50	22	38	34	25	72	29	21	21	41
Woodstock.....	48	5	40	14	53	3	46	4	25	40	31	18	56	3
Totals .....	4,368	1,137	4,338	1,139	3,796	1,302	3,862	1,169	2,745	3,028	2,378	2,649	3,242	1,565

## HILLSBOROUGH COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Amherst.....	115	14	127	18	103	28	106	26	74	97	92	31	58	24
Antrim.....	197	107	238	110	180	163	193	128	163	147	145	182	179	136
Bedford.....	167	11	156	18	137	26	149	18	74	88	118	46	130	26
Bennington.....	70	21	45	42	55	21	60	22	28	67	41	33	43	29
Brookline.....	39	50	37	51	55	33	34	53	35	54	29	58	34	54
Deering.....	62	35	71	28	56	43	52	36	28	75	54	40	80	23
Francestown.....	105	10	94	16	83	15	86	12	62	62	59	41	66	18
Goffstown.....	265	65	274	64	241	70	247	74	207	184	95	237	216	83
Greenfield.....	87	6	86	8	38	12	50	6	31	82	38	14	44	7
Greenville.....	102	1	92	9	89	9	96	4	56	58	87	9	71	12
Hancock.....	72	43	67	40	81	35	68	40	62	55	53	47	55	39
Hillsborough.....	250	102	272	90	216	118	231	95	160	236	193	123	203	93
Hollis.....	160	18	159	24	157	15	148	20	129	64	131	33	118	40
Hudson.....	160	31	146	40	147	26	156	23	133	69	129	38	110	55
Litchfield.....	40	4	50	2	37	5	39	4	18	33	28	15	26	11
Lyndeborough.....	115	15	126	9	98	27	110	10	67	65	80	18	98	16
Manchester.....	3,144	924	3,035	1,957	3,015	888	2,896	818	1,369	3,734	2,959	1,647	2,417	983
Ward 1.....	238	64	222	71	205	70	199	61	124	257	157	169	149	88
“ 2.....	379	79	381	92	322	104	349	82	229	310	208	224	276	97
“ 3.....	527	98	536	94	484	108	511	100	277	470	446	221	341	160
“ 4.....	556	86	528	121	508	120	534	88	220	561	455	245	486	124
“ 5.....	246	213	236	245	308	68	256	103	69	785	805	26	235	79



" 6.....	309	249	283	258	262	261	205	255	209	454	202	405	187	270
" 7.....	174	70	163	80	151	72	161	68	108	206	97	196	124	68
" 8.....	715	65	686	96	775	85	681	61	133	691	589	13	619	97
Mason.....	55	8	44	17	51	10	48	11	43	21	46	13	46	15
Merrimack.....	112	21	117	14	71	32	93	29	74	78	60	51	74	26
Milford.....	352	45	361	39	319	44	347	49	224	186	257	115	274	79
Mont Vernon.....	61	18	57	19	54	17	55	16	42	46	21	40	46	18
Nashua.....	1,478	352	1,380	414	1,420	278	1,460	248	1,270	1,068	1,442	446	1,330	253
Ward I.....	233	40	235	43	221	44	228	38	203	138	221	67	212	39
" 2.....	168	48	169	56	160	48	164	44	175	90	118	88	144	46
" 3.....	74	20	77	19	79	14	75	17	97	106	113	20	61	17
" 4.....	115	31	128	29	115	30	119	26	119	94	119	43	102	31
" 5.....	181	6	92	96	175	7	173	9	54	157	173	17	168	9
" 6.....	324	46	245	113	272	69	286	62	228	272	344	80	255	61
" 7.....	183	138	237	30	223	32	226	28	206	130	204	63	217	29
" 8.....	200	23	197	28	175	34	189	24	188	81	150	68	171	21
New Boston.....	139	37	149	28	100	52	128	34	83	94	62	80	102	42
New Ipswich.....	74	34	70	35	61	34	63	35	66	43	38	51	46	33
Pelham.....	144	21	125	27	119	31	137	14	46	120	125	25	115	35
Peterborough.....	279	28	289	20	262	30	259	35	180	144	212	61	245	30
Sharon.....	18	.....	19	.....	16	1	16	.....	2	17	14	.....	13	1
Temple.....	42	13	43	15	31	18	40	13	26	29	26	18	28	15
Weare.....	216	55	213	58	168	79	186	64	129	152	114	112	143	75
Wilton.....	207	26	221	9	195	18	192	25	74	179	157	45	176	18
Windsor.....	4	8	5	7	12	.....	8	3	1	11	7	3	5	5
Totals.....	8,331	2,123	8,168	2,334	7,667	2,178	7,753	1,965	4,956	7,358	6,912	3,672	6,591	2,294

## MERRIMACK COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Allentown.....	112	7	107	8	98	8	92	16	30	95	106	20	60	12
Andover.....	106	84	113	81	84	102	82	102	70	135	79	89	79	91
Boscawen.....	183	45	193	42	178	42	174	43	135	104	150	80	160	49
Bow.....	82	58	124	20	114	24	120	16	80	73	50	70	106	14
Bradford.....	169	8	159	7	143	8	132	16	55	109	66	72	98	15
Canterbury.....	92	87	119	53	74	80	95	61	75	97	65	94	68	68
Chichester.....	90	34	104	22	94	27	93	28	82	49	73	42	80	34
Concord.....	1,134	1,382	1,431	1,064	1,479	945	1,539	868	1,277	1,320	1,418	983	1,225	967
Ward 1.....	189	114	214	84	219	78	212	72	122	197	233	57	171	46
" 2.....	39	91	66	64	58	70	57	58	57	79	46	84	32	91
" 3.....	126	72	145	56	154	40	152	36	139	58	147	39	132	42
" 4.....	312	343	379	277	390	249	442	196	344	334	395	244	338	255
" 5.....	169	228	195	197	226	151	234	150	197	218	178	198	185	169
" 6.....	207	367	284	291	302	258	287	274	270	317	284	269	254	279
" 7.....	92	167	148	95	130	99	155	82	148	117	135	92	113	85
Danbury.....	114	7	117	4	114	5	114	6	32	88	96	21	104	10
Dunbarton.....	70	68	90	52	78	60	82	53	50	88	46	81	73	57
Epsom.....	74	58	126	10	97	23	94	30	68	76	34	88	70	37
Franklin.....	561	14	316	48	283	52	302	36	304	368	476	56	258	37
Henniker.....	207	28	209	33	169	50	193	24	136	122	119	74	108	65
Hill.....	77	5	77	4	52	33	74	2	50	29	24	47	33	39
Hooksett.....	151	57	145	55	125	83	93	115	70	127	87	133	97	96

Hopkinton .....	226	74	219	79	222	64	217	76	140	157	171	107	138	79
Loudon.....	44	139	68	121	47	133	52	132	59	137	37	142	39	134
Newbury .....	65	54	67	50	63	54	59	58	51	69	12	107	51	63
New London.....	151	15	135	34	138	24	145	17	110	65	126	31	139	20
Northfield.....	188	20	175	21	173	26	183	19	84	130	154	41	170	27
Pembroke.....	279	34	250	61	244	58	271	33	146	213	183	142	226	35
Pittsfield.....	332	83	317	101	306	91	284	117	241	178	130	264	250	121
Salisbury.....	111	12	115	12	103	15	102	14	43	90	66	40	80	20
Sutton .....	120	50	115	55	67	77	94	52	75	114	47	85	59	62
Warner.....	261	52	255	55	159	130	168	124	146	173	104	176	135	140
Webster .....	75	39	99	15	81	32	78	32	65	52	56	51	70	40
Wilmot.....	111	25	112	32	108	25	110	25	95	69	37	89	82	27
Totals .....	5,185	2,539	5,357	2,139	4,893	2,271	5,042	2,115	3,769	4,327	4,012	3,225	4,058	2,359

## ROCKINGHAM COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Atkinson.....	55	30	53	29	41	40	48	32	39	42	35	41	47	32
Auburn.....	51	87	60	79	42	93	51	85	56	84	36	101	33	102
Brentwood.....	78	40	97	22	87	20	86	27	78	47	38	72	75	20
Candia.....	73	121	100	96	92	94	88	96	107	107	40	130	74	92
Chester.....	142	24	132	32	132	33	123	39	83	90	38	100	110	44
Danville.....	82	39	87	34	73	37	81	28	65	63	22	86	67	35
Deerfield.....	100	184	108	184	92	187	109	175	122	166	41	242	78	192
Derry.....	211	73	207	79	178	89	248	82	189	123	119	148	193	71
East Kingston.....	43	26	48	21	22	30	37	17	25	54	21	22	68	6
Epping.....	146	107	149	111	126	113	139	108	118	150	111	126	120	107
Exeter.....	303	53	275	49	225	58	250	39	225	316	205	118	184	69
Fremont.....	51	53	50	55	41	62	51	51	29	76	33	71	40	60
Greenland.....	89	16	91	15	71	14	72	10	32	91	74	17	67	13
Hampstead.....	141	6	134	15	134	11	134	9	96	59	99	38	125	12
Hampton.....	111	61	111	62	93	68	109	53	125	88	32	138	57	77
Hampton Falls.....	78	6	72	11	62	19	73	10	51	37	26	51	53	16
Kensington.....	58	55	56	62	56	61	56	61	40	79	39	69	48	58
Kingston.....	112	79	120	74	111	79	109	77	75	135	86	95	90	85
Londonderry.....	152	22	159	22	133	31	148	14	101	89	101	53	109	30
Newcastle.....	47	30	26	44	28	54	30	49	41	52	7	78	28	44
Newington.....	41	38	42	37	32	41	36	39	21	60	11	65	22	48
Newmarket.....	184	34	190	122	178	28	195	22	167	125	150	65	145	50



Newton .....	97	17	17	43	78	29	87	24	73	52	27	85	65	30
North Hampton.....	80	68	68	60	57	73	78	62	53	102	22	109	40	18
Northwood.....	165	18	18	21	149	40	162	24	195	83	16	208	149	38
Nottingham.....	140	16	16	35	103	40	104	41	82	87	38	106	76	56
Plaistow .....	66	16	16	18	37	23	63	18	36	59	51	30	43	24
Portsmouth .....	741	1,056	643	1,243	617	1,260	617	1,267	405	1,750	1,063	810	488	1,292
Ward I.....	275	317	191	503	180	511	186	507	131	611	301	364	145	513
“ 2.....	309	360	308	343	284	372	281	376	186	615	430	244	220	389
“ 3.....	51	241	47	248	41	246	44	246	22	276	206	78	31	252
“ 4.....	106	138	97	149	112	131	106	138	66	248	126	124	92	138
Raymond .....	101	104	106	100	92	100	80	112	84	144	17	204	79	95
Rye .....	70	64	79	61	57	64	63	62	51	116	27	96	43	65
Salem.....	154	159	138	174	124	175	139	160	138	186	63	225	120	176
Sandown.....	38	45	37	49	31	56	30	51	15	70	11	73	33	50
Seabrook.....	46	98	41	102	29	106	35	98	54	104	12	136	18	110
South Hampton.....	54	18	49	23	47	24	50	21	40	30	44	26	47	25
South Newmarket.....	91	55	85	56	89	53	98	42	69	96	107	38	76	51
Stratham.....	62	69	69	66	53	72	65	67	70	68	48	80	52	71
Windham.....	75	12	88	8	77	7	79	3	64	33	42	36	65	10
Totals ....	4,328	2,989	4,204	3,314	3,689	3,384	4,023	3,175	3,301	5,113	2,952	4,188	3,227	3,374

## STRAFFORD COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Barrington .....	181	48	157	70	169	59	198	39	80	153	150	85	145	79
Dover .....	1,244	475	1,210	517	1,442	205	1,506	156	869	1,255	1,145	616	1,312	211
Ward 1 .....	180	30	160	49	155	44	156	37	161	164	90	144	137	45
" 2 .....	290	69	291	74	272	70	300	52	204	285	205	163	238	66
" 3 .....	287	43	291	41	254	44	274	29	235	184	169	162	242	28
" 4 .....	449	52	433	66	453	37	466	30	260	306	362	141	419	39
" 5 .....	38	281	35	287	308	10	310	8	9	316	319	6	276	33
Durham .....	109	23	114	18	99	27	102	25	88	56	66	47	92	29
Farmington .....	393	72	400	68	330	96	355	81	315	255	168	249	279	78
Lee .....	53	77	49	83	38	87	56	67	48	83	38	93	63	61
Madbury .....	51	20	62	9	46	22	52	15	28	44	14	54	33	37
Middleton .....	59	5	64	...	50	12	63	1	15	52	50	12	59	4
Milton .....	121	12	144	10	119	11	118	18	110	47	58	62	97	20
New Durham .....	78	10	73	11	62	13	60	14	38	59	46	27	58	18
Rochester .....	602	96	619	108	496	148	556	81	1,224	683	537	208	453	88
Rollinsford .....	203	13	203	13	203	11	192	20	1,119	100	192	20	193	16
Somersworth .....	781	15	420	329	763	25	418	369	390	410	726	61	398	41
Strafford .....	198	40	207	43	180	62	170	69	136	106	46	194	142	78
Totals .....	4,073	906	3,722	1,279	3,997	778	3,846	955	3,460	3,303	3,236	1,728	3,324	760

## SULLIVAN COUNTY.

TOWNS.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Acworth .....	133	14	138	10	114	17	111	14	66	81	90	37	87	32
Charlestown .....	194	.....	190	3	159	8	150	16	111	105	147	9	138	11
Claremont .....	473	30	462	37	453	26	448	34	311	298	365	95	408	40
Cornish .....	139	6	139	9	135	7	129	15	93	57	122	18	120	18
Croydon .....	45	52	46	51	37	55	40	51	25	76	30	61	27	67
Goshen .....	53	22	53	24	44	25	50	24	27	51	27	34	35	26
Grantham .....	88	10	83	11	73	20	73	23	25	75	55	28	65	17
Langdon .....	57	7	62	4	64	1	57	6	41	25	62	3	54	9
Lempster .....	70	20	89	1	75	10	69	12	43	44	29	55	35	51
Newport .....	317	38	330	43	302	34	297	35	210	248	248	76	265	50
Plainfield .....	214	11	210	18	156	33	167	29	124	118	113	69	136	42
Springfield .....	73	44	77	43	78	41	75	41	33	84	55	62	56	57
Sunapee .....	78	65	109	38	77	52	73	38	59	112	18	110	66	46
Unity .....	81	38	83	35	70	45	72	44	44	69	54	61	61	48
Washington .....	81	18	91	15	72	23	67	21	35	77	22	73	49	33
Totals .....	2,096	375	2,162	342	1,909	397	1,878	403	1,247	1,520	1,437	791	1,602	547

## SUMMARY BY COUNTIES.

COUNTIES.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Belknap.....	2280	453	2252	504	1959	601	2081	456	1593	1568	1133	1266	1466	548
Carroll.....	2289	204	2298	235	2131	330	2157	299	1375	1234	1217	1014	1831	323
Cheshire.....	3584	421	3572	420	3258	456	3389	473	2023	2381	2936	793	3089	510
Coös.....	1818	597	1799	512	1691	527	1737	520	1317	1144	1524	722	1572	566
Grafton.....	4368	1137	4338	1139	3796	1302	3862	1169	2745	3028	2378	2649	3242	1565
Hillsborough.....	8331	2123	8168	2334	7667	2178	7753	1965	4956	7358	6912	3672	6591	2294
Merrimack.....	5185	2539	5357	2139	4893	2271	5042	2115	3769	4327	4012	3225	4058	2359
Rockingham.....	4328	2989	4204	3314	3689	3384	4023	3175	3301	5113	2952	4188	3227	3374
Strafford.....	4073	906	3722	1279	3997	778	3846	955	3460	3303	3236	1728	3324	760
Sullivan.....	2096	375	2162	342	1909	397	1878	403	1247	1520	1437	791	1602	547
Aggregates .....	38352	11654	37872	12218	34990	12224	35768	11530	25786	30976	27737	20048	30002	12846



# INDEX.



# INDEX.

---

Abbott, Henry . . . . .	12, 16, 30, 52, 62, 188, 205, 207, 217, 241, 242
remarks by, on rules . . . . .	30
printing amendments . . . . .	62
representation of classed towns . . . . .	241, 242
Adjournment, final . . . . .	212, 268
Amendments proposed to the constitution in relation to the election of representatives in classed towns . . . . .	60, 61, 112, 138 139, 217, 218, 239 to 249, 255
future mode of amending the constitution . . . . .	53, 54, 58, 59 112, 113, 115 to 127, 145
limiting the term of service of justices of police courts . . . . .	62, 130 131, 154
creating the office of lieutenant-governor . . . . .	37, 56, 113, 114, 115
governor, authorizing the speaker of the House to act as . . . . .	113, 114 115, 254
relating to term of service of certain judicial officers . . . . .	30, 31, 154
legislature, changing the time of holding sessions of, from June to January . . . . .	23, 33, 39, 40, 41, 42, 43, 44, 54, 55, 56 105, 106, 107, 108, 109, 146 to 153, 213 to 217, 233 to 239, 254
legislature, relating to annual sessions of . . . . .	58, 79 80, 81, 82, 83, 84
legislature, fixing the salary of members of . . . . .	46, 54, 55, 65, 77 78, 79, 80, 81, 82, 83, 84 to 101, 102, 103, 104, 145, 254
relating to division of towns into voting precincts for the election of certain officers . . . . .	.61, 113, 154
relating to striking the word "Protestant" from the bill of rights . . . . .	24, 59, 61, 218, 219, 220, 221, 222 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 254
relating to method of filling vacancies in the Senate . . . . .	36, 53 55, 140, 141, 142, 143, 144, 145, 149, 249, 250, 251, 254
relating to the election of civil officers by a plurality vote . . . . .	23, 24, 25, 26, 27, 28, 29, 47, 48 49, 50, 65 to 87, 123, 134, 135, 136, 137, 138
relating to removals by address . . . . .	59, 113, 154
relating to election of representatives to the general court . . . . .	112, 131
changing the basis for apportionment for the election of senators . . . . .	53, 140
relating to changing the basis of representation in the legislature . . . . .	54, 78, 131, 141, 145
how to be proposed . . . . .	19
to be referred . . . . .	19, 20

- Amendments, rule as to..... 19, 20  
     may be received when ..... 20  
     relating to the qualification of voters.....34, 36, 55, 112  
     prohibiting the sale and manufacture of intoxicating  
         liquors.....109, 111, 155 to 207, 233, 254  
     debate on .....155 to 207  
     yeas and nays on..... 187, 188, 189, 205, 617  
     petitions relating to ..... 104, 111  
     special committee to consider..... 109  
     report of special committee on..... 155, 233  
     new draft..... 233  
     relating to method of taking the yeas and nays in gen-  
         eral court.....57, 128, 129, 130  
     those agreed to by the convention, how to be submitted  
         to the people.....253, 254, 255, 256, 257  
     fixing salary of president of the Senate and speaker of  
         the House..... 78
- Amidon, Charles J.....11, 16, 51, 112, 145, 187, 206, 207  
 Andrus, Eleazer P .....13, 188, 205, 207  
 Annett, Thomas.....11, 188, 205, 207  
 Armington, Willard M.....14, 51, 126, 127, 151, 152, 168, 188, 205, 207  
     remarks by, on future modes of amending the  
         constitution . . . . . 126, 127  
         changing time of holding ses-  
             sions of the legislature .... 151, 152  
         prohibitory amendment ..... 168
- Assistant secretary, committee to select..... 15  
     election of..... 18
- Baker, Alpheus W.....3, 13, 14, 18, 24, 64, 100, 109, 188, 205, 207, 253  
 Bales, Charles A. ....11, 187, 206, 207, 253  
 Barker, Francesco W.....8, 52, 188, 205, 207  
 Barnard, Frank A. ....13, 188, 205, 207  
 Barnard, Joseph.....9, 188, 205, 207  
 Batchelder, Thomas L.....6, 188, 206, 207  
 Barton, Levi W .....12, 14, 17, 40, 41, 52, 55, 71, 72, 93, 188, 205, 207, 230, 231  
     remarks by, on changing time of holding session of  
         legislature . . . . . 40, 41, 42  
         election of officers by plurality vote.. 71, 72  
         fixing salary of members of the leg-  
             islature.. . . . . 93  
         striking word "Protestant" from the  
             bill of rights..... 230, 231
- Bartlett, Charles H..10, 16, 32, 44, 78, 82, 83, 84, 104, 127, 139, 146, 188, 207, 249, 250, 263  
 Bartlett, Gardner S., petition of ..... 104  
 Bartlett, Greenleaf K.....5, 188, 205, 207  
 Bartlett, John T.....6, 52, 76, 188, 206, 207, 261  
     remarks by, on election of civil officers by plurality  
         vote..... 76  
         resolution of thanks to president of  
             convention..... 261
- Becker, Forrest.....6, 187, 206, 207  
 Beckford, Frank M.....7, 32, 33, 83, 157, 188, 189, 190, 191, 192, 193  
     194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 207, 213  
     remarks by, on providing newspapers for use of  
         convention..... 33



Beckford, Frank M., remarks by, on annual sessions of the legislature	83
prohibitory amendment.	189 to 201, 202, 203
Bell, Charles H. ....	5, 14, 15, 73, 97, 150, 188, 205, 207, 259, 261, 262
remarks by, on accepting the presidency of the convention.....	15
proceedings in committee of the whole.....	45
election of officers by plurality vote..	73, 95
construction of the rules.....	106, 107, 108
changing time of holding session of the legislature.....	150
in response to resolution of thanks presented by Mr. Smith of Manchester....	261, 262
Bemis, Luther G. ....	11, 51, 188, 205, 207
Bennett, George A. ....	6
Bennett, James A. ....	8, 52, 188, 206, 208
Bennett, Morrison.....	7, 52, 67, 188, 206, 207
remarks by, on election of civil officers by plurality vote.....	67, 68, 208
Berry, Ichabod P. ....	7, 52, 188, 206, 207
Bickford, John C. ....	10, 24, 52, 188, 205, 207, 208
Bill of rights, amendment proposed to....	50, 51, 218, 219, 220, 221, 222
223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233	
Bill, Willard, Jr. ....	12, 188, 205, 208
Benford, Charles H. ....	8, 188, 205, 208
Blake, Amos J. ....	11, 16, 17, 23, 38, 52, 105, 188, 205, 208
remarks by, on changing time of holding session of legislature.....	38, 39
Blake, Edmund R. ....	3, 5, 187, 205, 208
Blodgett, Isaac N. ....	9, 51, 145, 187, 206, 208
Blackwell, H. B. ....	218
Blackwell, Miss. ....	218
Bond, George S. ....	4, 12, 16, 109, 188, 205, 208
Boynton, William. ....	6, 188, 206, 208
Briggs, James F. ....	10, 14, 25, 29, 47, 50
51, 128, 132, 133, 136, 137, 138, 139, 146, 147, 149	
153, 188, 205, 208, 212, 213, 217, 235, 236, 238, 250	
remarks by, on rules.....	29, 133
amending rules.....	132, 133
election of civil officers by plurality vote .....	136, 137, 138
changing time of holding session of legislature.....	147, 149, 153, 217, 235, 236, 238
Brigham, Hosea W. ....	12, 109, 188, 205, 208
Brown, Charles J. ....	6, 187, 206, 208
Brown, Elbridge P. ....	11, 31, 52, 187, 206, 208
Brown, John H. ....	5, 52, 188, 205, 208
Bunten, John D. ....	9, 188, 205, 208
Burnham, Henry E. ....	10, 208
Barton, William P. ....	13, 208
Butler, James S. ....	10, 187, 206, 208
Butrick, Charles W. ....	12, 188, 205, 208
Buttrick, Edwin .....	12, 188, 205, 208, 263
Burton, Willie G. ....	8, 64, 188, 205, 208
Business, order of.....	19

Carpenter, Mrs. J. I., communication of.....	32, 46
Carruth, Prof.....	218
Cass, Charles W.....	6, 188, 205, 208
Cate, William H. M.....	9, 46, 65, 84, 85, 86, 91, 92, 157, 188, 205, 208
remarks by, on fixing the salary of members of the legislature.....	84, 85, 86
Cavanaugh, James F.....	10, 187, 206, 208
Chadwick, William H.....	9, 187, 205, 208
Chaplain, resolution as to election of.....	16
election of.....	18
pay of.....	257
Chairman, temporary.....	3
Chase, Alfred G.....	8, 187, 206, 208
Chesley, George E., appointed doorkeeper.....	18
pay of.....	257
Child, Samuel M.....	11, 51, 187, 206, 208
Chutter, Frederick George, petition of.....	11 <sup>1</sup>
Cilley, Andrew J.....	5, 187, 206, 208
Clarke, Benjamin F.....	10, 188, 206, 208
Clarke, Herbert N.....	5, 187, 206, 208
Clarke, John B., bill of.....	257
Clarkson, Thomas S.....	11, 187, 206, 208
Clifford, Isaac P.....	9, 188, 205, 208
Clough, Herbert S.....	10, 187, 206, 208
Coburn, Asa.....	13, 111, 208
Cochran, George A.....	9, 188, 205, 208
Cochran, James.....	6, 51, 188, 205, 208
Cochran, Martin H.....	9, 188, 205, 208
Colby, Ira.....	12, 21, 52, 95, 96, 104, 113, 121, 122, 123, 124, 125, 126 127, 128, 130, 149, 150, 151, 152, 168, 169, 170, 185, 186, 188 206, 208, 232, 233, 238, 239, 240, 241, 242, 243, 244, 245, 246
remarks by, in relation to copies of constitution.....	21
on fixing salary of members of legislature.....	95, 95
future mode of amending constitution.....	121, 122
changing time of holding session of legisla- ture.....	150, 151, 152, 238
prohibitory amendment.....	168, 169, 170, 185, 186
striking word "Protestant" from bill of rights.....	232, 233
representation of classed towns.....	246, 247
Coleman, Dudley C.....	8, 51, 188, 205, 208
Coleman, Leon, appointed page.....	31
pay of.....	257
Cole, Abner K.....	13, 52, 188, 205, 208
Cole, Daniel.....	14, 188, 205, 208
Cole, Woodbury.....	14, 188, 205, 208
Collins, Samuel A.....	14, 51, 188, 205, 208
Collins, Thomas F.....	10, 51, 187, 206, 280
Committees, how appointed.....	18, 20
Committee on credentials.....	3, 4
special.....	5
to select officers.....	16
on finance ordered.....	64
appointed.....	109
prohibitory amendment.....	109

Committee to consider memorial of the New England Woman Suffrage Association, ordered.....	212
appointment of... ..	213
standing, rule creating .....	20
appointment of.....	51, 52, 53
on bill of rights and executive department.....	50, 51
on future mode of amending the constitution, and other proposed amendments.....	52
on judicial department.....	51
on legislative department ... ..	51
on time and mode of submitting to the people the amendments agreed to by the convention.....	52
on mileage.....	52
on rooms, assignment of.....	64, 65
of the whole, rule relating to.....	19
for the consideration of the proposed amendment providing for the election of civil officers by a plurality vote.....	25 to 29
47 to 50, 65 to 77, 133 to 138	
for the consideration of the proposed amendment changing the time of meeting of the legislature from June to January.....	38 to 44
for the consideration of the communication of the Woman's Christian Temperance Union	46, 47
for the consideration of the proposed amendment fixing the salary of members of the legislature.....	78 to 104
for the consideration of the proposed amendment relating to future method of amending the constitution.....	116 to 127
for the consideration of the proposed amendment relating to the method of demanding the yeas and nays in the legislature. ....	128 to 130
for the consideration of the memorial of the New England Woman Suffrage Association	218, 219
Cone, Dennis.....	11, 51, 187, 206, 208
Conway, Charles W.....	11, 188, 205, 208
Constitution, relating to copies of.....	21, 22
Convention, how to be reconvened.....	268
Craig, Charles C.....	13, 37, 61, 188, 205, 208
Cram, Luther.....	10, 188, 205, 208
Crawford, Benjamin W. ....	6, 188, 205, 208
Crowell, Curtis R.....	12, 187, 206, 208
Cross, David.....	10, 29, 32, 34, 35, 36, 52, 55, 88, 89, 90, 99, 100, 104, 109
155, 156, 159, 160, 177, 178, 179, 188, 202, 203, 204, 207, 233, 247, 248	
remarks by, on communication of Woman's Christian Temperance Union.....	32
qualification of voters .....	34, 35, 36
fixing the salary of members of the legislature.....	88, 89, 90, 99, 100
prohibitory amendment.....	155, 156, 159, 160
177, 178, 179, 202, 203, 204	
representation of classed towns.....	247, 248
Cummings, Daniel E.....	4, 13, 51, 187, 206, 208, 213
Currier, George W.....	5, 187, 206, 208

- Currier, Samuel G.....13, 52, 61, 187, 206, 208  
 Curtis, George H.....8, 160, 161, 188, 205, 207, 208  
     remarks by, on prohibitory amendment..... 160, 161
- Damon, Charles A.....13, 104, 188, 205, 208, 242  
     remarks by, on representation of classed towns.... 242
- Danforth, Charles C..5, 8, 15, 16, 17, 24, 29, 31, 54, 55, 61, 77, 188, 205, 208, 212, 213, 219  
     remarks by, on rules ..... 29
- Davis, Albert P.....9, 52, 59, 109, 110, 111, 120, 188, 205, 208, 227  
     remarks by, on communication of Eliza J. C. Gilbert  
         and others ..... 111  
         future mode of amending the consti-  
             tution.. ..... 120  
         amending the rules..... 132
- Davis, Alfred.....8, 54, 78, 79, 187, 206, 208  
     remarks by, on fixing salary of members of the legisla-  
         ture..... 78, 79
- Davis, David W.....8, 52, 187, 206, 208
- Davis, Josiah G.....9. 17, 51, 188, 206, 208
- Davis, Joab N.....12, 52, 187, 206, 208
- Davis, Walter S.....3, 4, 5, 9, 32, 34, 36, 37, 43, 52, 55, 64, 65, 77, 81, 82, 103, 111, 119  
     121, 132, 141, 142, 143, 144, 188, 205, 206, 208, 234, 235, 259, 266, 26  
     remarks by, on qualification of voters..... 36, 37  
         changing time of holding session of  
             the legislature .... 234, 235, 243  
         newspapers for use of members..... 64  
         fixing salary of members of the legis-  
             lature .....81, 82, 103  
         filling vacancies in Senate.....141, 142, 143, 144  
         final adjournment ..... 259  
         in regard to form of ballots ..... 266
- Day, Fred N.....14, 109, 187, 206, 208
- Demerritt, Albert.....7, 16, 51, 187, 206, 208
- Dolbeer, John H.....9, 188, 205, 208
- Dole, Charles A.....13, 15, 16, 52, 188, 205, 208, 212, 249, 253
- Dolloff, Frederick O. ....13, 187, 205, 208
- Dorr, Charles M.....7, 188, 205, 208
- Doorkeepers, election of..... 18
- Dowe, Charles B.....13, 188, 205, 208, 264
- Drake, Benjamin F... .. 7, 51, 188, 205, 208
- Dresser, Herbert F... .. 11, 188, 206, 208
- Drury, William H.....5, 187, 206, 208
- Dudley, Arthur W.....5, 52, 78, 100, 188, 205, 208
- Dunbar, George W.....12, 188, 209
- Duncan, John T.....12, 52, 109, 188, 205, 209
- Duston, Thomas.....6, 187, 206, 209
- Durgin, Luther P.....3, 8, 14, 58, 59, 69, 70, 77, 79, 83, 96, 104  
     109, 133, 136, 188, 205, 209, 227, 228, 249, 265  
     remarks by, on election of civil officers by plurality  
         vote.....69, 70, 133, 134, 136  
         fixing the salary of members of the  
             legislature .....79, 80, 96  
         annual session of the legislature..... 83  
         striking the word "Protestant" from  
             the bill of rights..... 227, 228



- Eastman, William H.....12, 187, 206, 209  
 Edgerly, Horace.....7, 51, 188, 205, 209  
 Ela, Mary H.....110  
 Eldredge, Marcellus.....6, 187, 206, 209  
 Ellis, Charles J.....11, 188, 205, 209  
 Emerson, Frank.....7, 188, 206, 209  
 Emery, Alfred D.....5, 20, 31, 45, 187, 206, 209, 262  
 Emery, George H.....8, 209  
 Emory, Warren W.....11, 25, 188, 209  
 Farnham, Lorenzo.....14, 34, 52, 54, 188, 205, 209  
 Farnum, William H.....9, 188, 206, 209  
 Farrington, James F.....4, 7, 51, 109, 209  
 Fasset, James B.....10, 209  
 Felker, Samuel D.....7, 24, 52, 59, 61, 79, 113, 187, 206, 209, 219, 223, 226  
     remarks by, on striking the word "Protestant" from  
     the bill of rights.....226, 227  
 Fernald, James E.....7, 52, 112, 187, 206, 209  
 Fessenden, David S.....4, 9, 188, 206, 209  
 Final adjournment, relating to.....259  
 Finance, committee on, appointed.....109  
     ordered.....64  
 Fisher, Charles.....13, 187, 206, 209  
 Fletcher, Jonas W.....11, 52, 109, 188, 205, 209  
 Flood, John J.....10, 187, 206, 209  
 Foster, John L.....13, 14, 93, 94, 95, 100, 188, 205, 207, 209  
     remarks by, on amendment relating to salary of mem-  
     bers of legislature.....93, 94, 95  
 Fradd, Horatio.....10, 187, 206, 209  
 Frazier, John.....9, 187, 206, 209  
 French, George B.....6, 11, 27, 34, 36, 37, 38, 39  
     70, 71, 75, 76, 90, 102, 133, 136, 187, 188, 205, 206, 209  
     remarks by, on election of civil officers by plurality  
     vote.....70, 71, 75, 76  
     salary of members of legislature....102  
     prohibitory amendment.....164, 165  
     changing time of holding session of  
     legislature.....217, 234, 236, 237, 238, 239  
     striking word "Protestant" from  
     bill of rights.....231, 232  
 Frost, George S.....6, 16, 188, 205, 207, 209  
 Furbush, William M.....8, 158, 206, 209  
 Garland, Benjamin F.....14, 51, 187, 206, 209  
 George, Henry W.....9, 16, 51, 187, 206, 209  
 Gerrish, Henry H.....9, 15, 188, 205, 209  
 Gilbert, Eliza J. C.....110  
 Gilmore, George C.....3, 4, 10, 21, 22, 31, 43, 44, 50, 108, 109, 133, 188  
     205, 209, 252, 253, 257, 258, 259, 262, 263, 264, 265  
     remarks by, relating to copies of constitution.....21, 22  
     adjournment.....31  
     on changing time of holding sessions  
     of legislature.....43, 44  
     printing the proceedings of the  
     convention.....253  
     bill of S. S. Jackman & Co.....258, 259  
     as to reassembling of the convention..259

- Gilmore, George C., remarks by, in regard to ballots to be used by the people in voting on the amendments submitted..... 262, 265
- Glidden, Howard M.....7, 187, 206, 209
- Godfrey, O. I., pay of..... 257
- Gould, Harvey N.....6, 187, 205, 209
- Gove, Ira S. M.....4, 14, 52, 188, 205, 209
- Graves, Ephraim G.....8, 187, 206, 209
- Gray, Charles W.....8, 188, 205, 209
- Green, Sidney A.....12, 52, 187, 206, 209
- Griffin, Michael C.. ..10, 187, 206, 209
- Hadley, Amos.....8, 17, 18, 29, 30, 42, 58, 115, 116, 117, 119, 188, 205, 209, 239, 260  
 remarks by, on changing time of holding sessions of the legislature..... 42, 239  
 future mode of amending the constitution.....116, 117, 118, 119  
 resolution of thanks to the president of the convention..... 260
- Hall, Israel D.....12, 188, 205, 209
- Hall, Marshall P.....10, 165, 166, 188, 205, 209  
 remarks by, on prohibitory amendment..... 165, 166
- Hanson, Burnham.....6, 188, 205, 209
- Hanson, Horatio G..... 6, 209
- Hardy, Charles W.....10, 188, 205, 209
- Harvey, George K.....11, 138, 188, 205, 209, 245, 246  
 remarks by, on amendment relating to representation of classed towns..... 245, 246
- Hatch, Francis M .....8, 187, 206, 209
- Hatch, John .....3, 5, 17, 52, 53, 107, 108, 113, 129, 130, 131, 154, 162  
 166, 167, 174, 180, 187, 204, 206, 209, 217, 218, 239, 240  
 remarks by, on construction of the rules..... 107  
 method of demanding yeas and nays in legislature..... 129, 130  
 amending the rules..... 132  
 prohibitory amendment .....159, 166, 167, 180  
 representation of classed towns.....239, 240, 241
- Hatch, Riley B.....11, 187, 206, 209
- Hayes, Joseph.....6, 187, 209
- Hayes, Jeremiah J.....10, 188, 206, 209
- Hayes, Charles C.....4, 7, 58, 104, 131, 209, 212, 213
- Hayes, Hiram A..... 7, 209
- Hayward, George I.....9, 187, 205, 209
- Hersey, Charles H.....11, 51, 123, 188, 205, 209  
 remarks by, on future mode of amending the constitution..... 122
- Hibbard, Ellery A.....7, 15, 16, 17, 20, 28, 30, 41, 42, 51, 56, 57, 60, 65, 77  
 80, 81, 82, 83, 96, 97, 107, 108, 113, 120, 138, 146, 147, 152, 155, 187  
 206, 207, 209, 212, 218, 229, 232, 233, 242, 243, 251, 252, 260, 267  
 remarks by, on election of civil officers by plurality vote.....28, 29, 56, 57  
 rules ..... 30  
 changing time of holding session of legislature.....41, 42, 146, 147, 148, 152  
 representation of classed towns...60, 242, 243

- Hibbard, Ellery, remarks by, on fixing salary of members of the legislature.....80, 81, 96, 97  
 construction of the rules..... 107, 108  
 striking the word "Protestant"  
 from bill of rights.....229, 232, 233  
 resolution of thanks to the president  
 of the convention..... 260  
 resolution relating to publishing  
 the amendments in the newspapers..... 267  
 printing proceedings of the convention..... 252
- Hill, Hiram S.....7, 188, 206, 209  
 Hill, William H.....13, 188, 206, 209  
 Hobbs, Armenia W..... 110  
 Hobbs, Jonathan C.....5, 187, 206, 209, 212  
 Hoit, Charles W. ....10, 31, 32, 188, 206, 209  
 Holland, John. ....6, 188, 205, 209  
 Holt, George P.....9, 188, 205, 209  
 Hopkins, Charles B.....4, 11, 187, 206, 209  
 Howard, William W.....10, 187, 209  
 Hubbard, George A.....10, 187, 206, 209  
 Hunkins, James.....6, 188, 206, 209  
 Huse, William H. ....10, 188, 205, 209, 237, 238  
 remarks by, on changing time of holding sessions of  
 the legislature ..... 237, 238
- Jackman, S. S., & Co., relating to bill of..... 258  
 Jackson, James R.....18, 253, 257  
 Judicial department, committee on..... 51  
 Justice of peace, petitions relating to increased jurisdictions of.....37, 77, 113  
 Johnson, Joseph .....5, 188, 205, 209  
 Johnson, David A.....13, 187, 206, 209  
 Jones, Charles W.....6, 187, 206, 210  
 Jones, Frank.....6, 51, 187, 206, 209  
 Jones, Henry G.....13, 188, 206, 209
- Kelley, John R. B.....11, 24, 78, 131, 180, 181, 182, 188, 205, 210, 265, 266  
 remarks by, on prohibitory amendment.....180, 181, 182  
 in regard to form of ballots ..... 265
- Kimball, Benjamin A..... 8, 52, 210  
 Knapp, William D.....7, 17, 28, 51, 103, 186, 187, 188, 189, 205, 210  
 remarks by, on election of civil officers by plurality  
 vote ..... 28  
 changing time of holding sessions  
 of legislature..... 44, 45  
 prohibitory amendment.....185, 186, 189
- Knowles, William.....6, 188, 205, 210  
 Knox, Mrs. H. M..... 46, 47
- Ladd, William S.....14, 17, 22, 35, 36, 37, 44, 45, 47, 48, 49, 52, 62, 63, 86, 87  
 88, 98, 99, 106, 108, 123, 126, 139, 161, 162, 170, 171, 172, 173, 174, 182  
 183, 184, 185, 187, 206, 210, 212, 220, 228, 229, 230, 243, 244, 245, 260  
 remarks by, on qualification of voters ..... 35, 36  
 election of civil officers by plurality  
 vote ..... 48, 49

- Ladd, William S., remarks by, on printing amendments ..... 62, 63  
     fixing the salary of members of the  
         legislature.....86, 87, 88, 98, 99  
     construction of the rules.....106, 107, 108  
     future mode of amending constitution 123, 124  
         125, 126  
     representation of classed towns.....139, 243  
         244, 245  
     prohibitory amendment.....161, 162, 170  
         171, 172, 173, 174, 182, 183, 184, 185  
     striking word "Protestant" from bill  
         of rights .....228, 229, 230  
     resolution of thanks to the president  
         of the convention ..... 260
- Lane, George W.....8, 187, 206, 210
- Lang, Paul.....13, 52, 112, 188, 205, 210
- Lary, Augustus.....8, 188, 205, 210
- Law and Order League, petition of.....104
- Leahy, Patrick.....7, 187, 206, 210
- Legislature, amendment, changing time of meeting from June to January.....23, 38, 39, 40, 41, 42, 43, 44, 54, 55  
     56, 105, 106, 108, 109, 146 to 153, 213 to 217, 233 to 239, 264
- Legislative department, committee on ..... 51
- Leighton, George A.....10, 20, 33, 34, 127, 163, 164, 187, 206, 210  
     remarks by, in relation to newspapers for use of  
         members of the convention...20, 21, 33, 34  
     on prohibitory amendment.....163, 164
- Libbey, Alvah S.....4, 8, 51, 188, 205, 210
- Lieutenant-governor, amendment relating to .....37, 38, 113, 114, 115
- Little, Joseph M.....13, 187, 206, 210
- Little, George P.....9, 50, 188, 205, 210
- Littlefield, William E.....6, 187, 206, 210
- Locke, John E.....6, 187, 206, 210
- Lovejoy, Solomon .....7, 187, 206, 210
- Luce, Charles A.....10, 188, 205, 210
- Lyman, John D.....3, 5, 24, 37  
     43, 47, 49, 51, 56, 62, 63, 64, 65, 66, 67, 82, 101, 104, 105, 111, 114, 115  
     134, 135, 136, 141, 148, 152, 188, 205, 207, 210, 218, 225, 226, 247, 259  
     remarks by, on changing time of holding session of  
         legislature. ....43, 148, 152  
     election of civil officers by plurality  
         vote .....49, 66, 67, 134, 135, 136  
     printing amendments.....62, 63, 64  
     annual sessions of the legislature... 82, 83  
     fixing salary of members of the legis-  
         lature..... 104  
     changing time of holding sessions of  
         the legislature..... 105  
     creating the office of lieutenant-gov-  
         ernor.. ..... 114, 115  
     filling vacancies in the Senate..... 141  
     striking the word "Protestant" from  
         the bill of rights.....225, 226  
     representation of classed towns..... 247
- Mallon, Patrick E.....7, 87, 206, 210



Manahan, William H.....	9, 16, 20, 31, 44, 45, 53, 67
89, 149, 174, 175, 176, 188, 205, 209, 210	
remarks by, on election of civil officers by plu-	
rality vote.....	67, 68
changing time of holding ses-	
sions of the legislature.....	149, 150
prohibitory amendment .	174, 175, 176, 177
Manning, Charles H... ..	10, 50, 187, 206, 210
Marshall, Daniel .....	11, 188, 205, 210
Marshall, Granville J.....	12, 52, 188, 205, 210, 213
Marshall, John L. H.....	11, 188, 205, 210
Mason, George W.....	11, 188, 205, 210
Mason, James L.....	8, 187, 205, 210
Mathes, George F.....	8, 109, 188, 205, 210
McIntire, Mrs.....	46
McCrillis, Hiram S.....	7, 109, 188, 206, 210
McKellips, Harvey J.....	11, 188, 205, 210
McLane, Niel.....	11, 188, 205, 210
McMahan, Robert.....	7, 51, 72, 73, 187, 206, 210
remarks by, on election of civil officers by plurality	
vote .....	72, 73
Melcher, Woodbury L.....	4, 7, 16, 51, 135, 136, 188, 205, 210
remarks by, on election of civil officers by plu-	
rality vote.....	135, 136
Mellows, Aaron L.....	6, 153, 157, 158, 159, 160, 188, 210, 213, 229, 249
remarks by, on changing time of holding session	
of legislature.....	153
prohibitory amendment. ...	157, 158, 159, 160
Members, list of.....	5 to 14
Merriam, George F.....	9, 188, 205, 210
Messenger, Fred.....	14, 188, 205, 210
Mileage, committee on .....	24, 52
Mileage roll.....	207, 208, 209, 210, 211
Miles, Ephraim L.....	13, 188, 205, 210
Miller, John R.....	11, 187, 205, 210
Mirror, Daily, resolution relating to.....	20, 24, 33
Mode of procedure.....	19, 20
Monitor, Daily, resolution relating to.....	20, 24, 33, 34
Morrill, John B.....	7, 187, 210
Morrill, Thomas J.....	12, 57, 188, 205, 210
Morse, Henry C.....	9, 210
Morse, John W.....	3, 8, 187, 206, 210
Motion, order in which received.....	18
Muzzey, Robert E.....	12, 188, 205, 210
Nash, John B.....	4, 8, 51, 156, 157, 187, 206, 210
remarks by, on prohibitory amendment.....	156, 157
Newell, Hiram F.....	11, 188, 205, 210
Newton, Moses H.....	9, 187, 206, 210
James E.....	9, 188, 205, 210
Noonan, John F.....	14, 187, 206, 210
Noyes, Moses C.....	12, 52, 109, 188, 205, 210
Nutter, M. V. B.....	7, 51, 187, 206, 210
Newspapers, resolution relating to.....	24, 33, 34, 45, 63, 64
Officers, committee to select.....	15, 16

Officers, election of.....	18
pay of.....	257
Page, Amos B.....	10, 161, 164, 188, 205, 210
remarks by, on prohibitory amendment.....	164
on resolution of thanks to the president of the convention .....	261
Calvin.....	6, 16, 20, 51, 53, 154, 162, 167, 187, 206, 210
William F.....	6, 188, 206, 210
Pages.....	24, 31
Pageot, Cyrille.....	7, 210
Paris, Oswald.....	10, 210
Parker, Charles B.....	11, 206, 210
Sewell H.....	7, 188, 206, 210
Parsons, Frank N.....	9, 142, 143, 144, 152, 187, 204, 206, 210
remarks by, on amendment relating to the method of filling vacancies in the Senate.....	142, 143, 144
Patterson, Lewis C.....	31, 257
Paul, Amos.....	6, 52, 188, 205, 210
Pay roll of officers of the convention.....	257
Penley, Asbury F.....	12, 188, 205, 210
People and Patriot, resolutions relating to.....	20, 33, 34, 64
Petition of Frederick George Chatter and others.....	111
Law and Order League.....	104
for amendment enlarging the jurisdiction of justices of the peace.....	37, 61, 77, 104, 112, 113, 154
leave to withdraw same.....	154
of Gardner S. Bartlett, <i>et al.</i> .....	104, 154
Lyman Merrill, <i>et al.</i> .....	61, 154
Samuel G. Currier, <i>et al.</i> .....	37, 61, 154
W. W. Russell, <i>et al.</i> .....	61, 154
Nathan B. Whitten, <i>et al.</i> .....	77, 154
T. S. Simpson, <i>et al.</i> .....	112, 154
Pillsbury, John J.....	7, 16, 52, 187, 206, 210
Leonard H.....	5, 50, 133, 134, 135, 138, 188, 205, 210
remarks by, on amendment proposing to elect civil officers by a plurality vote.....	134, 135
Rosecrans W.....	5, 16, 92, 187, 205, 210, 219
remarks by, on amendment fixing the salary of members of the legislature.....	92
Pitcher, Charles P.....	11, 187, 206, 210
Pitman, George W. M.....	3, 8, 17, 187, 216, 210
Lycurgus.....	8, 16, 17, 23, 51, 59, 77, 144, 187, 206, 210, 239
remarks by, on changing time of holding sessions of the legislature.....	239
Philbrick, Sumner E.....	9, 188, 205, 210
Plurality vote, relating to election of civil officers by.....	23, 25, 26, 27
28, 29, 49, 50, 133, 134, 135, 136, 137, 138	
Poor, Benjamin H.....	12, 187, 206, 210
Porter, Joseph E.....	6, 52, 188, 206, 210
President, election of.....	14, 15
address of.....	15, 261, 262
duties of.....	18
resolution relating to.....	259, 260, 261
Prescott, Arah W.....	9, 188, 205, 210
Preston, Frank B.....	7, 187, 205, 210

Printing, of rules...	20
of proposed amendments.....	62, 63, 64
of proceedings.....	253
Pritchard, Francis W.....	11, 188, 205, 210
Prohibitory amendment.....	111, 155 to 207, 233, 254
debate on.....	155 to 207
yeas and nays on....	187, 188, 189, 205, 206, 207
petitions praying for submission of.....	104, 111
resolution reported by special committee....	155
new draft reported by special committee....	233
special committee to consider.....	109
Protestant, amendment proposing to strike from the bill of rights, de-	
bate upon.....	219 to 233
Procedure, rule as to method of.....	19, 20
Privileges of the floor, to whom granted .....	18
Publication of amendments in newspapers.....	267
Putney, Benjamin T.....	8, 188, 208, 210
Question, division of when.....	19
Quimby, Joseph H.....	8, 210
Randall, George H.....	13, 160, 163, 187, 206, 210, 266
remarks by, on prohibitory amendment.....	160, 163
Randall, Oren E.....	11, 57, 187, 206, 210, 213
Rawson, George B.....	11, 188, 205, 210
Randlett, James E., janitor, pay of .....	257
Resolution, amendment proposed to Art. 6, bill of rights, striking	
the word "Protestant" therefrom... ..	24, 59, 61, 218 to 233
relating to vacancies in the Senate.....	36, 53, 55, 140
141, 142, 143, 144, 145, 249, 250, 251, 254	
relating to annual sessions of the legislature.....	58, 79, 80
81, 82, 83, 84	
relating to changing the time of holding sessions of the	
legislature.....	23, 33 to 44, 54, 55, 56, 57, 105, 106, 107, 108, 146
147, 148, 149, 150, 151, 152, 153, 213 to 217, 233 to 239	
fixing the salary of members of the legislature....	46, 54, 55, 65, 77
78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92	
93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 145	
creating the office of lieutenant-governor.....	36, 37, 38, 56
relating to the qualification of voters.. ..	34, 35, 36, 37, 55, 145, 154
relating to representatives in legislature from classed	
towns.....	60, 61, 112, 138, 139, 217, 218, 239, 240
241, 242, 243, 244, 245, 246, 247, 248, 249	
relating to basis for representation in House of Represen-	
tatives.....	54, 78, 131, 141, 145
relating to basis for representation in Senate.....	53, 140
providing for the appointment of a committee on mileage	24
providing for the election of civil officers by a plurality	
vote.....	23, 24, 25, 26, 27, 28, 29, 47
48, 49, 50, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78	
79, 80, 81, 82, 83, 84, 85, 86, 87, 133, 134, 135, 136, 137, 138	
relating to submission of the amendments adopted by the	
convention to the people.....	265, 266, 267
relating to term of service of justices of police courts..	62, 130, 131
relating to removals by address.....	59, 113, 154
relating to jurisdiction of justices of the peace.....	113, 154

- Resolution relating to division of certain towns into voting precincts.....61, 113, 154  
 relating to future mode of amending the constitution 53, 54  
     53, 59, 112, 113, 115, 116, 117, 118, 119  
     120, 121, 122, 123, 124, 125, 126, 127, 154  
 relating to prohibitory amendment.....111, 155 to 207, 233, 254  
     yeas and nays on.... 187, 188  
     189, 205, 206, 207  
 relating to method of demanding the yeas and nays in legislature.....57, 128, 129, 130  
 fixing the hour of meeting of the convention..... 5, 17  
 as to time when the term of officers elected in November, 1888, shall expire ..... 212  
 authorizing the appointment of pages..... 24  
 authorizing the appointment of tellers.....14, 24, 31  
 relating to the drawing of seats..... 16, 17  
 to provide copies of the constitution for the use of members of the convention..... 22  
 providing for the election of officers..... 15  
 relating to rules for the government of the convention... 16  
 in relation to daily papers .....20, 24, 33, 34, 45  
 in relation to printing the rules of the convention..... 20  
 as to printing the proceedings of the convention..... 253  
 in relation to the memorial of the New England Woman Suffrage Association..... 212, 213  
 relating to final adjournment..... 212, 249, 250, 252  
 relating to pay of officers of the convention..... 257  
 of thanks to president of the convention..... 259  
     remarks upon 259, 260, 261  
 of thanks to officers of the convention..... 262  
 relating to bill of S. S. Jackman & Co..... 258, 259  
 relating to the term of service of certain judicial officers 130  
     131, 154  
 Report of committee on bill of rights and executive department..... 113  
     future mode of amending the constitution and other proposed amendments..112, 113, 154, 217, 253  
     judicial department..... 113, 154  
     legislative department.....140, 145, 146, 233, 234  
 special committee on prohibitory amendment..... 155, 232  
     organization..... 17, 18  
     rules.....18, 19, 20  
     publication of proceedings of the convention ..... 251, 252  
 Reporter, official, of proceedings of the convention..... 16  
     qualifications of..... 24  
 Reconsideration of vote adopting rules.....19, 29, 30  
     in relation to reference of the proposed amendment in relation to the election of officers by a plurality vote..... 23, 24  
 Republican Press Association, bill of..... 257  
 Richards, Dexter.....12, 51, 188, 205, 211  
 Richards, James K..... 12, 189, 205, 211  
 Richardson, Mrs.....46  
 Roby, Gustavus.....13, 51, 187, 205, 211  
 Roll of convention, how to be made up..... 21, 22



Roll-call on prohibitory amendment.....	187, 188, 189, 205, 206, 207
Rounsevel, Royal D.....	13, 51, 187, 206, 211
Rowell, Clark F.....	11, 14, 23, 30, 51, 211
Rowell, Miss Clara E.....	55
Ruggles, Edward R.....	4, 13, 17, 51, 61, 189, 205, 211, 220, 221, 222
remarks by, on striking the word "Protestant"	
from the bill of rights.....	220, 221, 222, 228
Rules, committee on.....	17
report of.....	18, 19, 20
reconsideration of vote adopting.....	29, 30
amendment to.....	131, 132, 133
temporary.....	16
Ryan, John C.....	10, 187, 206, 211
Salary of members of the General Court.....	46, 54, 55, 65, 77 to 104, 145
president of the Senate and speaker of the House.....	101, 102, 145
Sanborn, Abner J.....	10, 211
George W.....	5, 187, 206, 211
Harrison.....	5, 189, 206, 211
James A.....	6, 109, 188, 206, 211
John W.....	4, 8, 14, 17, 52, 130, 154, 188, 206, 211
Joseph N.....	7, 51, 188, 211
Richard F.....	12, 187, 205, 211
William.....	5, 206, 211, 263
Sawyer, Horace E.....	13, 16, 52
William H.....	9, 188, 189, 206, 211
Schoppe, Winfield S.....	14, 51, 188, 206, 211
Scott, Mark A.....	6, 188, 206, 211
Seats, relating to drawing of.....	16, 17, 21
Secretary, temporary.....	3
election of.....	18
resolution providing for election of.....	15
pay of.....	253
qualification of.....	18
instructions to.....	251, 252, 253
assistant, election of.....	18
resolution providing for election of.....	15
pay of.....	253
qualification of.....	18
Sergeant-at-arms, resolution as to.....	15
election of.....	18
pay of.....	253
qualification of.....	18
Select committee on woman suffrage.....	212, 213
time when term of certain officers expires.....	212
Senate, relating basis of representation in.....	249, 250, 251
Shepard, James E.....	9, 189, 206, 211
Sherman, Joseph F.....	13, 188, 206, 211
Shurtleff, A. J., official reporter.....	16
qualification of.....	24
Sisson, William H.....	12, 51, 53, 189, 206, 211
Simpson, T. S., petition of.....	112
Smith, Charles G.....	13, 51, 188, 206, 211
Smith, Charles J.....	10, 52, 92, 93, 188, 206, 211
remarks by, on salary of members of the legislature..	92, 93

- Smith, David H.... 7, 52, 189, 206, 211  
 Smith, David O..... 10, 189, 206, 211  
 Smith, Hazen D..... 13, 52, 61, 112, 113, 188, 206, 211  
 Smith, Isaac W..... 10, 14, 15, 17, 23, 25, 29, 36, 47, 50, 56, 60, 113, 117, 118, 119, 121, 122  
     133, 149, 150, 151, 189, 206, 211, 212, 216, 217, 218  
     223, 224, 225, 227, 234, 247, 248, 250, 259, 260, 263  
     remarks by, on committee of the whole. . . . . 23  
         election of civil officers by plurality  
             vote..... 25, 26, 27, 216, 217  
         changing time of holding session of  
             legislature..... 56, 149, 234  
         representation of classed towns..... 60, 247, 248  
         future mode of amending constitution. . . . . 117  
             118, 121, 122  
         striking word "Protestant" from bill  
             of rights..... 223, 224, 225  
         resolution of thanks to the president  
             of the convention presented by.... 259, 260  
 Smith, John C..... 9, 188, 206, 211  
 Smith, Joseph P..... 4, 12, 51, 211  
 Smith, Thomas J..... 14, 109, 211  
 Smith, William H..... 14, 16, 51, 188, 206, 211  
 Spalter, Wilton H..... 11, 189, 206, 211  
 Spaulding, Clark S..... 12, 16, 51, 189, 206, 211  
 Special committee, report of, relating to memorial of the New Eng-  
     land Woman Suffrage Association... 249  
     appointed to ascertain when term of  
         certain officers expires..... 263, 264  
     discharge of..... 264  
     report of, on publication of proceedings of the  
         convention..... 251, 252  
 Standing committees ..... 50, 51, 52  
 Stevens, Frederick C..... 12, 211  
 Stone, Lucy, relating to..... 110, 111  
 Story, Abram B..... 10, 189, 206, 211  
 Stowell, George H..... 12, 51, 206, 211  
 Suffrage, woman, relating to ..... 110, 111  
 Sullivan, John H..... 8, 52, 188, 206, 211  
 Sulloway, Alvah W..... 4, 9, 52, 188, 206, 211  
 Sweetzer, Almon H., doorkeeper..... 18  
     pay of..... 257  
 Taggart, James G..... 9, 189, 206, 211  
 Tellers appointed..... 31  
     to count votes for president..... 14  
 Thompson, Edwin P..... 7, 52, 53, 189, 206, 211  
 Thurston, James..... 3, 6, 18, 74, 75, 109, 162, 163, 189, 206, 211, 225, 227, 257  
     elected chaplain..... 18  
     pay of, as chaplain..... 257  
     remarks by, on election of civil officers by plurality vote.... 74, 75  
         prohibitory amendment..... 162, 163  
         striking word "Protestant" from bill of  
             rights ..... 225, 227  
 Tilton, Hiram S..... 12, 188, 206, 211

Tilton, Timothy, doorkeeper.....	18
pay of.....	257
Todd, William C.....	5, 16, 42, 45, 51, 53, 56, 82
109, 140, 141, 142, 144, 189, 206, 211, 227, 261, 263	
remarks by, on changing time of holding session of	
legislature.....	42
vacancies in the Senate.....	53, 140, 141
striking word "Protestant" from bill	
of rights.....	226
resolution of thanks to president of	
the convention.....	261
Towle, Emmons B.....	5, 189, 206, 211
Trefethen, John I.....	6, 188, 206, 211
Tutherly, William, elected assistant secretary.....	18
pay of.....	257
Underhill, John, doorkeeper.....	18, 257
Union, Daily, resolution relating to.....	20, 24, 33, 34, 45
Walker, Joseph B.....	8, 17, 39, 40, 51, 57, 90, 91, 128, 129, 140, 189, 206, 211, 266
remarks by, on changing time of holding session of	
legislature.....	39, 40
fixing the salary of members of the	
legislature.....	90, 96
method of demanding the yeas and	
nays in the legislature....	128, 129
Wallace, Robert M.....	10, 13, 21, 22, 52, 102, 103, 123, 189, 206, 211
remarks by, on copies of constitution.....	21
newspapers for use of members of	
convention.....	22
salary of members of legislature ...	102, 103
future mode of amending constitu-	
tion.....	123
Wallace, William M.....	13, 77, 189, 206, 211
Washburn, Benjamin T.....	13, 189, 206, 211
Waterhouse, William E.....	6, 189, 206, 211
Watson, John P.....	9, 188, 206, 211
Webster, John.....	7, 52, 109, 189, 206, 211
Weeks, Joseph D.....	4, 13, 51, 130, 188, 206, 211
Wells, Christopher H.....	7, 52, 189, 206, 211, 217
Wheeler, Ruel F.....	6, 188, 206, 211
Whitcher, Moses.....	13, 188, 206, 211
White, Armenia S.....	110
Whitman, Nelson S.....	11, 188, 206, 211
Whitney, Charles H.....	11, 189, 206, 211
Whitney, Daniel.....	13, 188, 206, 211
Whittaker, George.....	10, 189, 206, 211
Whittier, Josiah H.....	7, 61, 188, 206, 211
Wiggin, Arthur E.....	8, 52, 189, 206, 211
Wiggin, George H.....	9, 189, 206, 211
Wilkinson, Rufus.....	10, 188, 206, 211
Wilkins, Wesley J.....	8, 16, 50, 51, 109, 188
Williams, George B.....	4, 12, 52, 188, 206, 211
Willis, George W.....	12, 51, 167, 206, 211

Wilson, Horace W.....	10, 189, 206, 211
Winch, Thomas.....	12, 189, 206, 211
Woman's Christian Temperance Union .....	31, 32, 46, 47, 55
Woman Suffrage.....	109, 110, 111, 212, 213, 218, 219, 249
Wood, Charles T.....	7, 189, 206, 211
Woodman, Edgar H.....	8, 57, 109, 130, 179, 180, 189, 206, 211
remarks by, on prohibitory amendment.....	179, 180
Woolson, Augustus A.....	13, 16, 30, 38, 44, 50, 51, 106, 116
127, 131, 132, 140, 189, 206, 211, 218	
remarks by, on amending the rules.....	131, 132
Yeas and nays on prohibitory amendment.....	187, 188, 189, 205, 206, 207





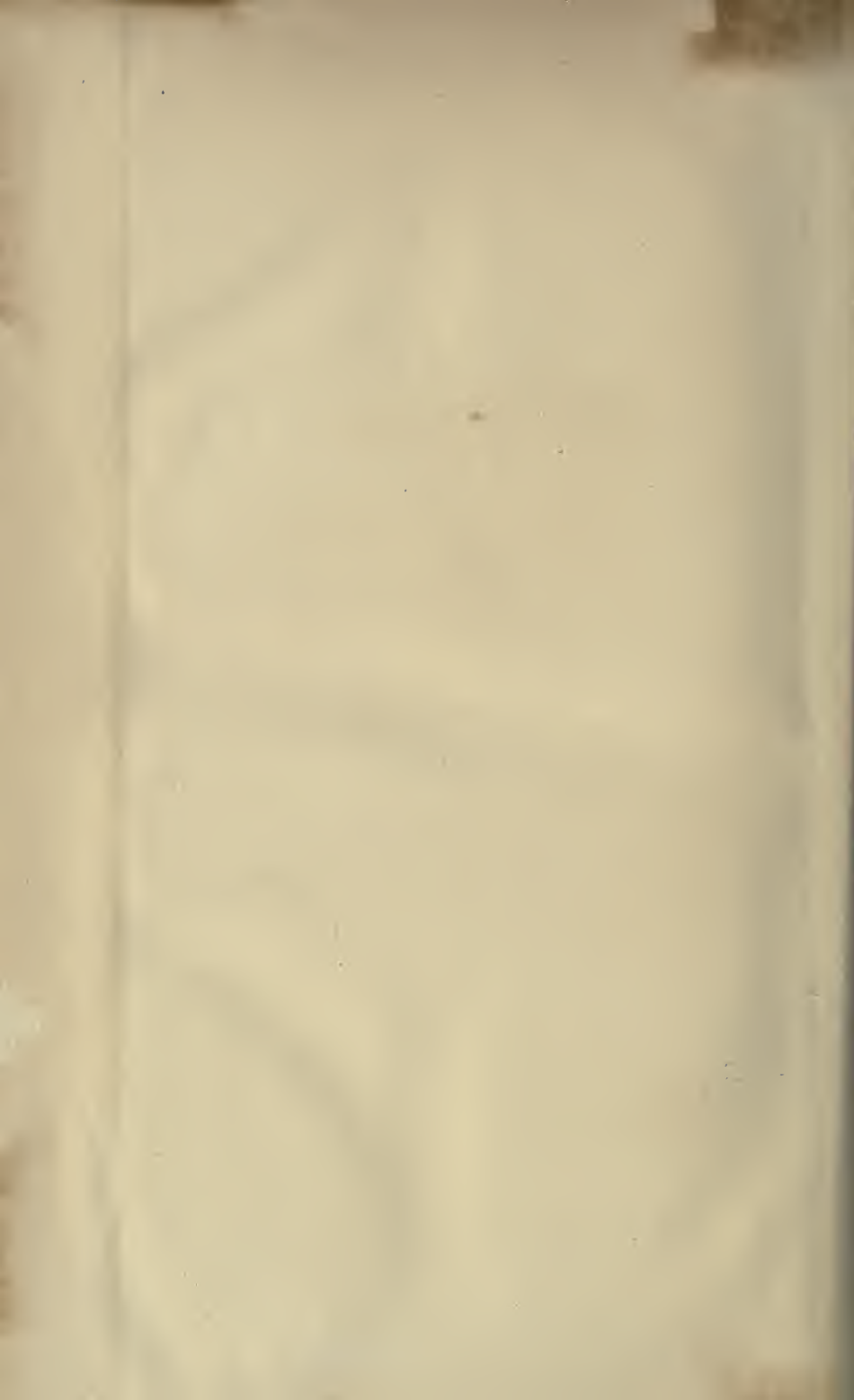












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